

There were media reports of children being sold into slavery for either sexual exploitation or labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. In November the daily minimum wage increased from about \$.42 (2,900 cedis) to about \$.62 (4,200 cedis), but is still insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there is widespread violation of the minimum wage law. In most cases, households have multiple wage earners, and family members engage in some family farming or other family-based commercial activities. Trade unions are lobbying the Government to increase the minimum wage to \$.81 (5,500 cedis) and argue that an eventual minimum of a \$1.00 (6,800 cedis) a day would provide a living wage to workers.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days. Through collective bargaining, however, the basic workweek for most unionized workers is 40 hours. In July 1999, the Government began compensating extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. However, safety inspectors are few and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, and trafficking in persons is a problem.

The country is both a source and a destination country for trafficked children. A local NGO noted that law enforcement officials expressed a “complete disregard” for child labor and trafficking issues (see Section 6.c.). Law enforcement officials also have a difficult time identifying persons who are being trafficked because of the fluid nature of family relations in the country e.g. a friend often is called a “cousin,” and an older woman an “aunt,” even if there is no blood relation. Trafficking’s most common form involved teenage girls from the rural areas being sent by relatives to work in the cities as housemaids for little remuneration. Often an assurance is given that after several years’ service, the housemaid would be sponsored to train in dressmaking or hairdressing. However, often an excuse is found to fire the housemaid before such apprenticeship begins. Over 100 boys were reportedly contracted out to Lake Volta fishermen (see Sections 6.c. and 6.d.). There were also reports of children abducted to work either in the country or in neighboring countries. Young persons (girls and boys) are lured into prostitution and hard labor in Cote d’Ivoire, Togo, Benin, and Nigeria on the pretext of finding work in agriculture or as domestic help. Women reportedly are also drafted into prostitution in Germany and the Netherlands. Citizens reportedly were lured to the Middle East, particularly to Lebanon, to work illegally in menial jobs. Traffickers in persons from other countries also reportedly used Accra as a transit point to Europe.

In May two men who had attempted to sell two young men into forced labor for \$9,100 (50 million cedis) each were remanded to prison custody and charged with “slave dealings.” The case was pending in court at year’s end. In June the Government repatriated 180 citizens, mostly girls, who were stranded in Lebanon as indentured servants. These girls were told that they were to work as household help to Lebanese families; upon arrival in Lebanon their documents and money were stolen and some of the women were beaten.

A local NGO in the north conducts rehabilitation programs for women who have been trafficked. The NGO provides counseling and training in professions such as sewing and hairdressing to give them a source of income. The NGO also carries out a public information program about the dangers of trafficking and prostitution.

GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, when he led the only successful coup d’etat in the country’s history, first as head of a military junta, and since 1994 as a civilian president elected in 1993. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of the National Assembly seats to President Conte’s Party of Unity and Progress (PUP). The PUP is one seat short of the number required to amend the Constitution. Although

the PUP continues to dominate all three branches of Government, opposition parties on occasion have persuaded PUP Members of Parliament, including the National Assembly leadership, to vote with the opposition on specific legislative matters. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest before and after election day, widespread and diverse irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. Nevertheless, the election was much more transparent and fair than the 1993 election. In the 1998 presidential election, the Government continued to dominate the electoral process and did not create an independent electoral commission as initially demanded by both opposition parties and ruling party dissidents; instead, it struck a compromise with the opposition and formed a High Council for Electoral Affairs, composed of representatives from many parties, but with authority limited to local vote counting and the transmission of results. The Government postponed municipal elections scheduled for 1999 until June. The elections were deeply flawed, with the opposition making credible charges of government intimidation, fraud, and manipulation. Legislative elections originally scheduled for 1999 have been postponed indefinitely at the request of both the PUP and opposition parties due to instability in the border region, which makes voter registration and campaigning extremely difficult. An increasingly disproportionate number of public sector positions, including senior military and cabinet posts, are held by members of the President's own minority ethnic group, the Soussou. The judiciary is subject to executive influence, particularly in politically sensitive cases.

The gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. Members of the Presidential Guard are accountable to almost no one except the President. Members of the security forces frequently committed human rights abuses.

About 85 percent of the country's population of 7.6 million engage in subsistence agriculture. Annual recorded per capita gross domestic product was about \$595 in 1999. More than 80 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Other exports include coffee and fruit. There has been modest economic growth in recent years, especially between 1996 and 1999, due in part to substantial assistance from international financial institutions and bilateral donors. However, economic performance has lagged since 1999, and government collaboration with international financial institutions and donors was complicated by additional defense spending in response to attacks from Sierra Leone and Liberia by RUF rebels and Liberian forces. In addition widespread corruption and limited transparency in Government blocked efforts at economic and fiscal reform; in particular corruption at the port and customs offices hampered effective collection of nonmining receipts.

The Government's human rights record was poor; although there were some improvements in a few areas, serious problems remained in many others. The Government's tight and sometimes partisan control of the electoral process, both in the 1998 presidential election and the deeply flawed June municipal elections; its refusal to create an independent electoral oversight mechanism; and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. Major human rights abuses include: Extrajudicial killings; disappearances; use of torture, beatings, and rape by police and military personnel; and police abuse of prisoners and detainees. Soldiers, police, and civilian militia groups killed, beat, and raped citizens, as well as refugees from Sierra Leone and Liberia. Security forces used arbitrary arrest and detention. Members of the security forces committed abuses with impunity. Prison conditions are inhuman and combined with inadequate medical care frequently resulted in deaths. Prolonged pretrial detention is a problem. The Government failed to ensure access by attorneys to clients in prison, maintained the executive branch's influence over the judicial system and the electoral process, and infringed on citizens' privacy rights. The Government restricted freedom of speech and of the press. The private print press criticized the Government freely, but the Government continued to monopolize the broadcast media, including radio, the most important medium of mass communication. The Government restricted freedom of assembly. The Government imposed cumbersome requirements for official recognition on associations, and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, reports of trafficking of women and children, and vigilante actions by victims or others persisted.

RUF rebels from Sierra Leone and armed attackers from Liberia committed a large number of killings, mutilations, abductions, and other abuses, including the burning of homes.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and other Extrajudicial Killing.—Security forces committed fewer extrajudicial killings than during the previous year, and there were fewer violent riots and instances of government overreaction than in the previous year. However, during municipal elections held in June, security forces, along with ruling party militants, clashed with opposition party supporters, resulting in the death of eight persons and injuries to several others. There was no investigation into the incident. In late November or early December, security forces killed six persons, including a university professor, in Conakry; they reportedly were meeting to plan a demonstration against the Government's policy in the forest region, and security forces claimed that they thought they were armed rebels (see Section 2.b.). No action was taken against the security forces by year's end.

At the beginning of November, the army bombed several villages in northern Sierra Leone in a campaign against rebels from Sierra Leone and Liberia. On December 8, troops attacked Rosint Village in northern Sierra Leone and killed several civilians, abducted over 50 persons, and burned over 30 houses.

There was at least one reported case of a prisoner being tortured to death (see Section 1.c.). Some opposition members believe that his death was linked directly to torture by government authorities at a small military camp on Kassa Island. The Government denied these charges. In addition in January 1999, during Alpha Conde's detention (see Section 1.e.), one of his codefendants died in prison, reportedly because of torture (see Sections 1.c.).

Deaths in custody due to inhuman prison conditions and inadequate medical treatment remained frequent (see Section 1.c.). Human Rights Watch (HRW) confirmed that a refugee detained along with approximately 3,000 others following a series of crossborder rebel raids died while in detention because of poor prison conditions (see Sections 1.d. and 2.d.).

There was no action taken in the October 1999 case in which security forces killed two students when using unauthorized lethal force to bring a violent protest under control; nor in the 1999 case of a woman who died of injuries inflicted by members of the security forces during their suppression of riots in Labe.

No action was taken against Banian subprefect Jean Traore, who shot and killed a man and wounded two other persons in 1998 while attempting to disperse a gathering of supporters of the Rally of the Guinean People (RPG). No action was taken against members of the security forces or government officials, who used excessive force against opposition party supporters, resulting in deaths both before and after the December 1998 presidential elections.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGO's) to investigate political killings that took place in the 1970's under then President Sekou Toure. Visits during the year to Camp Boiro, where political prisoners were held during the Sekou Toure regime, suggested that there is an ongoing effort to destroy evidence of the former use of the camp.

In January violent clashes between Christian and Muslim villages in the forest region left 30 persons dead (see Section 5).

Many victims of crime fear that they may never receive justice because of judicial corruption and at times resort to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, are beaten to death or burned by their victims or others after being soaked with a flammable liquid.

RUF rebels from Sierra Leone and armed attackers from Liberia killed hundreds of civilians and members of the security forces in crossborder raids during the year. In the latter half of the year, armed Liberians crossed the border and attacked the town of Macenta, while RUF rebels from Sierra Leone attacked Forecariah; both groups killed villagers, burned houses, pillaged crops, and looted property (see Section 1.f.). Since early September, crossborder clashes resulted in over 900 deaths. For example, on September 3, RUF rebels and Liberian forces attacked the village of Massadou on the Liberian border, killed 47 persons, burned homes, and looted food supplies. On September 6, suspected RUF rebels from Sierra Leone killed 27 persons in a crossborder raid on the village of Pamalap. On September 16, in an attack on the border town of Macenta, unidentified armed men from Liberia killed Mensah Kpognon, a humanitarian worker from Togo, and 34 other persons. They also abducted Sapeu Laurence Djeya, a humanitarian worker from Cote d'Ivoire, who was released on September 28 (see Section 1.b.). On September 27, suspected Liberian armed attackers possibly supported by Guinean dissidents in exile killed 67 persons, including 3 soldiers after an attack on Macenta. On September 30,

armed rebels attacked the villages of Macenta and Forecariah; the Government reported that there were numerous deaths and injuries. On October 2, armed men from Liberia killed three persons in an attack on the village of Koyama. On November 13, rebels attacked Yagouya and Soumbazaya villages, killing one person and abducting all of the village residents. After a relatively calm period, hostilities increased at the beginning of December when RUF rebels and Liberian forces attacked Gueckedou and Kissidougou, killing approximately 100 civilians and displacing thousands of persons.

b. Disappearance.—Opposition leaders, local NGO's, and the independent press occasionally report cases of politically motivated temporary disappearances that usually ended with the eventual release of the prisoners who were held by security forces.

There were reports that members of the armed forces abducted persons from Sierra Leone after attacks by RUF rebels and Guinean dissidents. For example, on December 8, troops attacked Rosint Village in northern Sierra Leone and abducted over 50 persons, killed several civilians, and burned over 30 houses.

In the months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces. Baba Sarr, a relative of reported mutiny ringleader Major Gbago Zoumanigui, remains missing since his detention following the mutiny. Many of those missing after the 1996 mutiny were in self-imposed exile, according to family members.

On September 6, during a crossborder raid, RUF rebels from Sierra Leone abducted two Italian missionaries; they escaped on December 3. On September 17, armed attackers from Liberia abducted Sapeu Laurence Djeya, an Ivorian humanitarian worker; she was released after several days. Survivors of some of the crossborder attacks report that the entire populations of small villages were abducted and taken to Sierra Leone. For example, on November 13, rebels attacked Yagouya and Soumbazaya villages, abducting everyone then in the village and killing one person (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There were also reports that security forces often use torture and beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. Local human rights organizations and former detainees stated that some prisoners are bound and hung by their feet before being beaten. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens view the security forces as corrupt, ineffective, and even dangerous. Police ignore legal procedures, and extort money from citizens at roadblocks (see Sections 1.f. and 2.d.). Refugees from Liberia and Sierra Leone reported that some soldiers demanded sex in exchange for entry into the country. There are also reports of sexual assaults on refugees (see Section 2.d.).

During June's municipal elections, diplomatic observers witnessed security personnel beating unresisting persons. A local human rights NGO reported that security forces also shot, beat, and raped civilians, and pillaged personal property during the June elections (see Sections 1.a. and 3).

In early September, after a series of rebel raids into the country, President Conte blamed the attacks on refugees. Subsequently soldiers, police, and civilian militia groups detained thousands of refugees from Sierra Leone and Liberia, so of whom they beat and raped (see Section 2.d.).

Defendants in the Alpha Conde trial often reported that they were tortured, starved, and neglected during their detention (see Sections 1.a. and 1.e.). In January 1999, prison officials reportedly tortured to death warrant officer Guey Keita.

Vigilante groups beat and robbed Liberian nationals in Conakry on several occasions. Refugees in the Katkama refugee camp reported at least two instances of sexual assault by vigilantes during the year. On September 30, armed gangs attacked the Farmoriah refugee camp near Forecariah, beating the refugees and burning their belongings. Groups of vigilantes in the Gueckedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups. In one instance in October, a group of vigilantes forced five of the refugees to the police station in Gueckedou where they were detained (see Sections 1.d. and 2.d.).

During the year, RUF rebels from Sierra Leone and Liberian rebels conducted a number of crossborder raids during which they killed, injured, and displaced persons, and burned and looted homes (see Section 1.a.).

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Guards often demanded bribes in exchange for letting food through to those incarcerated. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease. A former inmate held in the central prison in Conakry reported in 1998 being housed with between 60 and 80 prisoners in 1 cell, with a single toilet and no beds. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. Men and women are housed separately, but juveniles generally are mixed in with adults.

The Organisation Guinéenne de Défense des Droits de L'Homme et du Citoyen (OGDH) determined that prisoners in at least one major prison, located in N'Zerekore, suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N'Zerekore prison is a converted grain warehouse built in 1932 for 70 prisoners, but it houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely are beaten and subjected to other forms of abuse at the prison in Koundara in the north. Although the Minister of Justice has criticized inhuman prison conditions during televised visits to prison facilities, no concrete action was taken to improve conditions by year's end.

The Government permits prison visits by local humanitarian and religious organizations, which offer medical care and food for those in severe need. A former prisoner reported that without this assistance those who do not have families or friends would starve to death.

Opposition party members alleged that they had not been permitted to visit Alpha Conde in prison at year's end.

In November 1999, the International Committee of the Red Cross (ICRC) signed a detention accord with the Government for satisfactory access to prisoners. The ICRC reported that, for the most part, it had access to prisoners during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—Security forces continued to use arbitrary arrest and detention regularly, despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police are ineffective, and security forces rarely follow the Penal Code.

The Code of Penal Procedure allows only the gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detain persons as well. The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees are incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention; however, at times it occurs in practice. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

On February 7, police detained approximately 30 students, who were marching to protest poor conditions in school (see Section 2.b.).

The Penal Code strictly forbids civilians being detained at military camps; however, this provision largely is ignored. During June's municipal elections, police arrested and detained 44 persons, including children, women, old men, and an imam. They were taken to a military camp, where they reportedly were stripped, threatened, beaten, and tortured. They were released through the intervention of local and religious authorities (see Sections 1.c. and 3).

RPG members allege that authorities arrested and detained an individual who brought food to Alpha Conde; he was accused of threatening national security and was held in solitary confinement for one week before being released.

Some police forces took advantage of the Alpha Conde trial (see Section 1.e.) by arresting and detaining their creditors and other enemies, beating them, and then falsely accusing them of complicity with Conde.

In early September, after a series of crossborder raids by RUF rebels and mercenaries, police detained approximately 3,000 refugees, although most were released within several days (see Section 2.d.). HRW confirmed that a refugee died while in detention because of poor prison conditions (see Sections 1.a. and 2.d.). In September in Massakoundou, police arrested four refugees found to have tattoos on their bodies, although they were released a few days later. In October five refugees from the Gueckedou refugee camp were detained after vigilantes found tattoos on

them (see Section 1.c.). Two eventually were released; however, one still is in detention in the Gueckedou police station, and two were transferred to Conakry.

Bar Association attorneys, the independent press, and government sources describe a parallel system of justice run by unidentified uniformed personnel who conduct midnight arrests, detain suspects, and use torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). In previous years, a member of a political opposition party, a soldier, a local human rights organization, and former prisoners all reported that the Government imprisons for political reasons persons considered a threat to state security at Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denied the existence of the Kassa Island Prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and are located in other prisons. In 1998 foreign diplomats visited the military installation on Kassa Island, where they saw no evidence of a torture facility. However, there continued to be reports of the Kassa facility's existence. During the trial of Alpha Conde, many of the accused claimed that they were brought to Kassa Island and were tortured for time periods that ranged from a few days to several weeks (see Sections 1.a., 1.c., and 1.e.).

Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.).

On at least one occasion, authorities arrested a journalist (see Section 2.a.).

On December 15, 1998, the day after the election, members of the security forces arrested Alpha Conde, the presidential candidate of the RPG opposition party, at the town of Lola on the Liberian border. The Government detained Conde incommunicado until December 30, 1998, when it charged him with trying to leave the country illegally, resisting arrest, engaging in illegal foreign currency transactions, and training an armed force to overthrow the Government. During the year, foreign officials, including the Senegalese Minister of Justice, and several foreign diplomats visited Alpha Conde in detention. Conde's lawyers reported that they had generally free access to their client as well as to the dossier of his case. Conde's doctor, but not his family members, also had access to him. Conde's trial, originally scheduled for 1999, was postponed until April and concluded in September (see Section 1.e.).

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile according to their families (see Section 1.b.). There are credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces (see Section 1.a.).

e. Denial of Fair Public Trial.—The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Due to corruption and nepotism in the judiciary, relatives of influential members of the Government often are, in effect, above the law. In 1996 the Cabinet stated that it would pursue those who violate the law but avoid punishment due to judicial corruption, including the autonomous Presidential Guard; however, no action has been taken. Judges often do not act independently, and their verdicts are subject to outside interference. Influential persons often intervene on behalf of their relatives to prevent a negative judgment from being carried out.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but by year's end, the Council still had not prosecuted any cases.

During the year, the State Security Court was used to try Alpha Conde and his defendants. The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence.

The judicial system is plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disburses these funds. The attorney for the defense frequently receives no payment. By year's end, the new Minister of Justice had introduced a prisoner tracking system that enabled him to review the cases of individual prisoners

and to follow up on cases that did not reach the courts in an appropriate amount of time.

During the December 1998 presidential elections, the Government ordered the closure of all land borders. On December 15, 1998, presidential candidate Alpha Conde, leader of the RPG, and three others were arrested in Pine, Lola, near the Liberian border. Conde subsequently was charged with illegal use of military force, undermining the authority of the state and the integrity of the national territory, use of violence against a state security officer, wrongful possession and transfer of foreign currency, and an illegal attempt to cross the frontier. Conde's arrest led to street protests by RPG militants in Conakry, which were repressed by police, resulting in the arrest and detention of many protesters (see Sections 1.d. and 2.b.).

The Government continued its investigation, and it later arrested and charged several civilians and military officers in connection with Conde. In April Alpha Conde and 47 others were brought to trial. At the start of the trial, the presiding judge allowed an international team of lawyers to defend Conde and allowed international observers in the courtroom, over the objections of the Government. However, when the court refused to nullify the case based on Conde's parliamentary immunity, the legal team resigned in protest. The court immediately appointed other lawyers to defend Conde and his codefendants. Conde and one other defendant rejected those lawyers and refused to speak in court. Others accused the prosecution of witness tampering, intimidation, and outright fraud. An international NGO, Commission Internationale de Juristes, sent an observer to the trial who noted several problems with the conduct of the trial. On September 11, Conde was found guilty, and he was sentenced to 5 years in prison. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served.

Many citizens are wary of judicial corruption and instead prefer to rely on traditional systems of justice at the village or urban neighborhood level. Litigants present their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems is vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women carries less weight, in accordance with Islamic precepts (see Section 5).

At year's end, the Government held an unknown number of political prisoners. Such prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings, and campaigns; but they were arrested and convicted under criminal laws, such as those applying to creating disorder, inciting violence, and corruption. Consequently some of these individuals received disproportionately harsh punishment due to their political affiliation. Members of political opposition parties and a local human rights organization stated that dozens of persons also are being detained or have disappeared for political reasons (see Sections 1.b. and 1.d.). The Government denies holding any political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security and extortion (see Section 2.d.).

It is believed widely that security officials monitor mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

In early September, after a series of crossborder raids, police and civilian militias looted houses, stole property, and destroyed property belonging to Sierra Leonean and Liberian refugees. In late October, Governor Mbemba Bangoura reportedly told mayors of different communes within Conakry to conduct house to house searches for weapons.

On December 8, troops entered Rosint Village in northern Sierra Leone and burned over 30 houses.

RUF rebels from Sierra Leone and Liberian forces killed civilians, burned homes, pillaged crops, looted food supplies and other goods, and took civilian hostages during numerous crossborder raids (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government employs a broad range of re-

strictions on these rights. The Government prohibits what it considers seditious talk or chants in public, has established defamation and slander as criminal offenses, and prohibits communications that personally insult the President, that incite violence, discrimination, or hatred, or that disturb the public peace. Resulting sanctions may include revocation of press cards, imprisonment, and banishment. In December 1999, two journalists who published a financial scandal involving two highly placed ministers were arrested under these laws.

The Government publishes an official newspaper, *Horoya*, and operates the official television and radio (ORTG) stations. In response to strong political pressure and in order to protect their jobs, journalists for the official press practice selfcensorship and avoid reporting on politically controversial issues. However, several younger broadcast journalists for the official press reported critically about the Government and posed critical questions at official press conferences.

While the only daily newspaper, *Horoya*, is owned and operated by the state, there is a vocal private press that is critical of the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Five private newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *L'Independant*, and *L'Independant Plus*) publish weekly in Conakry, and up to 10 other publications appear sporadically, although they are hampered by technical and financial difficulties stemming from paper and ink taxes, among other informal obstacles. *Le Lynx* and *La Lance*, under the same management, also are connected to the Internet and have web sites. One newspaper, *L'Espoir*, is affiliated with the governing political party, and several other newspapers are affiliated with opposition parties. Other newspapers offer news and criticism of both the Government and the opposition. However, because the literacy rate is only around 35 percent and the price of newspapers is beyond the reach of the average citizen, the effect of the print media is limited. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists whom it considers threatening.

The Government closed *L'Independant* and *L'Independant Plus* for several weeks during the year, and the editor reportedly was expelled from the country. The newspapers reappeared for a period as *Le Democrat* and *Le Republicain*; however, the original names eventually were reinstated.

In July authorities arrested a journalist after he published an article about the electric company Sogel. He later was released, but his trial was pending at year's end.

The Government owns and operates all domestic broadcast media including radio, which serves as the most important means of informing the public. It is estimated that every household in the country has at least one radio. Many citizens listen regularly to foreign-origin short-wave radio, because of a lack of confidence in the state media, and access to foreign television satellite broadcasts is growing. The Government does not restrict access to or distribution of foreign television programming via satellite or cable. Although relatively few citizens can afford these services, by stringing a network of cables to a single satellite dish, entire neighborhoods are gaining access to foreign programming.

On July 28, the National Council of Communication announced the 2-month suspension of the accreditation of three foreign radio correspondents in Conakry for their allegedly biased reporting. Those affected by this measure were Mouctar Bah of Radio France International (RFI), Ben Daouda Sylla of Africa No. 1 (based in Libreville), and Amadou Diallo of the British Broadcasting Corporation (BBC). On September 25, the National Council of Communication lifted the suspension.

The country has had full Internet access since 1997. At year's end, there were three domestic service providers, two strictly private and one affiliated with SOTELGUI, a public and private telephone company that holds a monopoly on international telephone lines. The Government did not restrict Internet access. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable telephone lines inhibited home Internet access, even for the few who could afford it.

The state-owned media are not impartial; they provide extensive, and almost invariably, favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. While in theory the law allows private electronic media, the Government has held up proposals for private radio and television stations, on the grounds of national security and stability.

Political tracts occasionally circulate in Conakry and other urban areas. Some tracts support the Government, while others specifically criticize senior officials. Foreign publications, some of which criticize the Government, often are available, although the Government delayed the distribution of a February issue of *L'Intelligent/Jeune Afrique* for several days, while preparing a rebuttal to an article

“Guinee C’est L’enfer” (“Guinea is Hell”), which criticized conditions in the prisons and focused on the Alpha Conde case.

The Ministry of National Education and Scientific Research exercises limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers are not subject to classroom censorship; however, both public and private schools are obliged to follow the Government’s curriculum, on which the national examinations are based.

In December security forces killed six persons, including a university professor, who were meeting to plan a demonstration against the Government’s policy in the forest region (see Sections 1.a. and 2.b.).

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The Government requires notification 72 hours prior to public gatherings, otherwise the events are considered illegal.

The Government bans all street marches except funerals. The law allows local authorities to cancel a demonstration or meeting if they believe that it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

On February 7, riot police dispersed a crowd of students who were marching to the Education Ministry to protest overcrowding and poor conditions in schools. Police detained temporarily approximately 30 students on the charge of being “bandits.” In late November or early December, security forces killed six persons, including a university professor, who were meeting to plan a demonstration against the Government’s policy in the forest region; security forces claimed that they thought they were armed rebels (see Section 1.a.). In response on December 5, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, nongovernmental organizations, groups, cooperatives, and political parties.

Freedom of association is protected by law; however, the Government imposes cumbersome requirements to obtain official recognition. Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There were approximately 46 legally recognized political parties; deputies of 9 different parties were represented in the National Assembly.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respects these rights in practice. The government-sponsored National Islamic League (NIL) represents the country’s Sunni Muslim majority, who make up 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax benefits and energy subsidies. Missionary groups are required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

The NIL states that it supports peaceful coexistence with other religious denominations and actively attempts to facilitate dialog to eliminate ethnic and religious tensions. Although the Government and the NIL have spoken out against the proliferation of Shi’a fundamentalist sects on the grounds that they “generate confusion and deviation” within the country’s Islamic family, they have not restricted these groups. Foreign missionaries and church-affiliated relief agencies operate freely.

Government support of the powerful, semi-official NIL has led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims are represented in the Cabinet, administrative bureaucracy, and the armed forces. Conversions of senior officials to Islam, such as that of the Defense Minister, are ascribed to the NIL’s efforts to influence the religious beliefs of senior government leaders. The Government refrains from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

There have been no recent reports that government officials have obstructed or limited missionary activities of Jehovah’s witnesses, who had reported isolated instances of harassment in the past.

Despite claims of separation of church and state, in July the Government announced that it would finance the renovation of Conakry’s grand mosque, the mosque at which President Conte practices.

In April 1999, for the first time, the Government required government ministers to take an oath on either the Koran or the Bible, which provoked criticism from those who saw the gesture as incompatible with the secular nature of the State.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities infringed on these rights in some areas. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. The private press and local NGO's reported that travelers often are pressured to pay bribes to allow passage. Government officials state that the corruption is being perpetrated by a few rogue soldiers; however, abuse at official checkpoints is systemic.

During the June municipal elections, the Government closed roads in Conakry, preventing some voters from reaching polling stations (see Section 3).

Although the Government permits foreign travel for its citizens, it retains the authority to limit such travel for political reasons. In September the speaker of the National Assembly complained that his passport was confiscated at Conakry's Gbessia Airport upon his return to the country. The Government claimed that it was a simple misunderstanding and said that the passport was taken for courtesy check-in. Similarly two National Assembly delegates reported that they were not given diplomatic passports because they were opposition party members.

Following an August 13 release into Guinea of humanitarian workers held hostage in Kolahun, Liberia, by a dissident group, the Government closed its border with Liberia (see Section 1.d.). The border was reopened, and as of year's end, the border remained officially open.

The Government closed its border with Sierra Leone intermittently. At the beginning of August, the Government closed the border, later allowing access only to "vulnerable" refugees, including pregnant and lactating women, children below the age of 18, and the elderly. At the beginning of September, the U.N. High Commissioner for Refugees (UNHCR) confirmed that at least 10,000 civilians were waiting to cross the border, and that a pregnant woman and at least 10 children had died due to poor conditions in makeshift camps on the border.

There are approximately 150,000 to 200,000 internally displaced persons (IDP's) in the country as a result of the border attacks by RUF rebels from Sierra Leone and Liberian forces. The Government estimated this number at 209,000; however, the UNCHR believed that the number was lower.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. The UNHCR stated that as of October 3, approximately 500,000 Liberian and Sierra Leonean refugees were resident in the country. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January 1998 and are mostly in the forest region. The Government claims that many more refugees are present in the urban areas of the country, and that the number of refugees in the country is closer to a million. Refugees account for half or more of the populations of the forest region cities of N'Zerekore, Gueckedou, and Macenta. Almost all of the refugees from Guinea-Bissau were repatriated by year's end.

In past years, the Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations reported that some local authorities have demanded portions of donated fuel and food from delivery convoys. In October instability in the southern border areas where most refugees lived prompted the Government and the UNHCR to call for assistance in moving refugees away from the border. However, although the Government initially was reluctant to allocate suitable arable land for the establishment of new refugee camps further from the border, it did so by year's end.

In previous years, the Government generally was hospitable toward refugees; however, as crossborder raids by RUF rebels from Sierra Leone and Liberian forces intensified, the Government increasingly became less tolerant toward refugees. There was credible evidence that RUF forces used refugees as informants and disguised themselves as refugees to prepare for attacks on the country. For example, in early September, after a series of rebel raids into the country, President Conte, in a radio address, accused Liberian and Sierra Leonean refugees living in the country of fomenting war against the Government. Soldiers, police, and civilian militia groups rounded up thousands of refugees, some of whom they beat and raped (see Section 1.c.). Approximately 3,000 refugees were detained, although most were released by year's end (see Section 1.d.). HRW confirmed that a refugee died while in detention (see Sections 1.a. and 1.c.).

Reports have become rare that police and border patrol guards demanded bribes before allowing refugees into the country or that some border officers demanded sex from women who lacked money to pay bribes. However, there were some reports that refugees were forced to pay bribes to leave refugee camps guarded by the armed forces and then were forced to pay bribes to get past many of the checkpoints. Security forces arrested suspected rebels at the border as they tried to enter the country.

Vigilante groups attacked Liberian nationals in Conakry on several occasions. Refugees in Katkama camp reported at least two instances of sexual assault by vigilantes during the year. Groups of vigilantes in the Gueckedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups (see Sections 1.c. and 1.d.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Although the 1990 Constitution provides for a popularly elected President and National Assembly, the ability of citizens to exercise this provision effectively is restricted. The Government's tight and sometimes partisan control of the electoral process and lack of an independent electoral oversight mechanism call into serious doubt the ability of citizens to change their government peacefully.

Although opposition political parties have been legal since 1991, the Government has continued to dominate the electoral process; General Conte has remained President, and his PUP party has retained a majority in the National Assembly. The Government controlled the first multiparty presidential election in 1993 and the first multiparty legislative elections in 1995, limiting the opposition to a subordinate role.

Municipal elections took place on June 25; however, national legislative elections were postponed indefinitely at the request of both the PUP and opposition parties. In the June elections, President Conte's ruling PUP party claimed victory in 32 of 38 municipalities. The announcement of the results was delayed for several days in the wake of postelection violence. Reportedly the police killed eight persons during clashes between opposition demonstrators and police, and injured several more (see Section 1.a.). A diplomatic observer noticed an increased military presence in the interior municipalities of Mamou and Kankan, and on June 28, he witnessed eight soldiers beating three unresisting citizens (see Section 1.c.). The Government claimed that the elections were free and transparent, but the opposition strongly disagreed and claimed credibly that the Government and the ruling party engaged in massive "obstruction, fraud, and intimidation" (see Sections 1.d. and 2.d.). Opposition figures alleged that the Government manipulated the voting by facilitating multiple ballot-casting by ruling party regulars and denying voting cards to opposition party supporters. President Conte made inflammatory and partisan speeches in June and July, threatening opposition leaders with arrest and claiming to rule the country by "divine right," which widely were considered as attempts to intimidate his opponents. During the June municipal elections, the Government closed some roads in Conakry, ostensibly to prevent election fraud; however, in practice it prevented many voters living outside the district in which they were registered from reaching their polling stations and voting (see Section 2.d.). Candidates of a new party led by former Prime Minister Sidya Toure were denied access to the electoral process.

When the victorious PUP councils could not agree on who should be appointed to leadership positions, President Conte named several mayors himself, in a move that observers criticized widely as unconstitutional and irregular.

The country's second multiparty presidential election was held on December 14, 1998, under a somewhat improved electoral process; however, the Government continued to refuse to establish a national election commission independent of the Government, despite opposition demands. In September 1998, the Government and the CODEM, an umbrella group of opposition parties formed in 1995, agreed to establish a Superior Council for Electoral Affairs (SCEA) and local vote counting commissions, composed of CODEM as well as government and ruling party representatives, with oversight authority over local vote counting and transmission of local results to Conakry. However, the Government retained exclusive control of all registration and election procedures up to and including the casting of votes, as well as of the national tabulation of election results.

According to the Government's tabulation of results, President Conte was elected to a second 5-year term, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the Union pour la Nouvelle Republique received 25 percent and Alpha Conde of the RPG received 17 percent. Had no candidate received a majority of

votes cast, the Constitution would have required a second election between the two leading candidates.

The election was much more transparent and fair than the 1993 presidential election. Observers from various organizations affiliated chiefly with developing countries issued a statement that found no fault with the election-day vote-casting process; however, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and did not address the registration, campaigning, and vote-counting processes.

The 1998 presidential election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread and diverse irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

There were credible reports during the 1998 election campaign that ruling party supporters and government officials used force to prevent or disrupt opposition party meetings in Conakry and in provincial towns during the campaign. Violence between PUP and opposition party supporters, as well as violent interethnic clashes with political overtones in Conakry, was frequent and widespread during the election campaign (see Section 5).

Opposition candidates suffered from inferior access both to state election funds and to coverage by the state-monopolized domestic broadcast media, although the Government allotted each candidate an equal amount of television and radio broadcast time each day throughout the 1998 campaign.

On election day, international observers noted a shortage of ballots for opposition candidates in some districts of Conakry, but an abundance of ballots for President Conte. There were no charges of widespread, systematic obstruction of pollwatchers, but opposition pollwatchers often were absent from heavily proConte areas, suggesting at least selective obstruction. Opposition party officials charged that security forces arrested and detained over 100 opposition pollwatchers on election day; manipulated voting procedures in some areas; and overlooked irregularities in voter registration and in ballot-counting procedures. Members of the armed forces were required to vote on the premises of the military installations to which they were posted and were subject to strong pressures to vote for President Conte.

The Government postponed the announcement of its tabulation of the election results from December 16 to December 17, 1998. During the interim, there was violence and looting in several areas.

Members of the PUP continue to hold 60 seats in the unicameral National Assembly, 1 short of the supermajority required to amend the Constitution.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials are members of the PUP or of parties allied with it.

Local governments generally have limited autonomy. Although they have some financial resources with which to fund local programs, most of their funds are controlled by the central Government. However, local government staff members, such as deputy prefects, are hired and can be fired by local authorities and are not considered central government employees.

Women are underrepresented in government and politics. Four women hold seats in the 26-member Cabinet in the Ministry of Foreign Affairs, the Ministry of Commerce, the Ministry of Tourism, and the Ministry of Social Affairs and Promotion of Women. There are 9 female deputies in the 114-member National Assembly. There are few women at senior levels below minister, and there are no women in the senior ranks of the armed forces. Women also play a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership includes representatives of all major ethnic groups. However, a disproportionate number of senior military officers are Soussou, the President's ethnic group.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local NGO's primarily interested in human rights issues include: The Guinean Organization for the Defense of Human Rights; the Diallo Telli Foundation; the Guinean Human Rights Association; the Children of the Victims of Camp Boiro; S.O.S. Burial Grounds; the Association of Victims of Repression; Humanitarian Assistance for Prisons; Defense of Prisoners' Rights; Women Jurists for Human Rights; the Committee for the Defense of Civic Rights; and the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health. Government officials are generally cooperative and responsive to their views; however, some organizations allege that government officials try to intimidate them, and that they often

meet resistance when trying to investigate abuses or engage in civil education. Various government officials have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.

A human rights office within the Ministry of Defense, International Humanitarian Rights, has conducted over 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements.

In November 1999, the ICRC signed a detention accord with the Government for full access to prisoners. In January the ICRC suspended its prison visits because it was denied access to some prisoners, including Alpha Conde; however, the ICRC reported that it had access to prisoners, including Alpha Conde, at year's end.

Following a series of crossborder raids by rebels, several NGO's suspended activities due to insecurity.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government does not enforce these provisions uniformly.

Women.—Violence against women is common, although estimates differ as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervene in domestic disputes.

Although the Government has made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complain of frequent sexual harassment. The social stigma attached to rape prevents most victims from reporting it. In particular marital rape goes unreported, because most women and men view it as the husband's right. Several local NGO's are working to increase public awareness of the nature of these crimes and promote increased reporting. The Government has not pursued vigorously criminal investigations of alleged sexual crimes. There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion works to advance such equality; however, women face discrimination throughout society, particularly in rural areas where opportunities are limited by custom, and the demands of childrearing and subsistence farming. For example, on February 7, President Conte remarked in a speech that there were too many women in the customs service, and then he gave instructions to recruit only men for the customs service. Women are not denied access to land, credit, or businesses, but inheritance laws also favor male heirs over females. Government officials acknowledged that polygamy is practiced commonly. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than that given by men (see Section 1.e.). The Government has affirmed the principle of equal pay for equal work; however, in practice women receive less pay than men in most equally demanding jobs.

On May 17, the Government instituted a working plan to analyze the situation of women and children in the country. The program involves workshops and training for security and judicial personnel, as well as the education community.

Children.—The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocates a significant percentage of the budget to primary education. There is a Minister of Youth and a Cabinet Minister, appointed by the President, charged with defending women's and children's rights, and in 1996 created a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGO's, and other sectors. The Government provides free, compulsory primary school education for 8 years; however, enrollment rates are low due to school fees and lax enforcement of the laws mandating school attendance. Approximately 51 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys compared with only 37 percent of eligible girls. Girls often are taken out of school and sent to work to help pay for their brothers' educational expenses. In 1999 the Government spent less than 6 percent of the national budget on education and training programs.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is very widespread. It is practiced widely in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions for violations of the code. FGM is performed on girls and women between the ages of 4 and 70, but exact figures on this procedure are difficult to establish due to its

private nature. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of females subjected to FGM, estimating the figure to be between 65 and 75 percent. A 1999 Demographic Health Survey estimates that over 99 percent of females undergo FGM. Expert estimates vary between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by women's rights groups about the health risks involved with the practice. However, infibulation, the most dangerous form of FGM, still is performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting many women's lives. FGM also increases the risk of HIV infection since unsterilized instruments are shared among participants.

The Government has made efforts to educate health workers on the dangers of this procedure, and it supports the CPTAFE's efforts. The CPTAFE reports high rates of infant mortality and maternal mortality due to FGM. In March 1997, working in collaboration with the World Health Organization, the Government initiated a 20-year strategy to eradicate FGM.

A growing number of men and women oppose FGM. Urban, educated families are opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. In November 1999, the CPTAFE held a large public ceremony celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who perform FGM oppose its eradication since it is quite lucrative for them.

The CPTAFE, in conjunction with the Government, local journalists, and international NGO's, also is promoting an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the forest region.

Prostitution exists in the informal economic sector and employs girls as young as 14 years of age. The Government does not take action when prostitution of minors is brought to its attention, and it does not monitor actively child or adult prostitution. There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Child labor remains a problem (see Section 6.d.).

People with Disabilities.—The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for the disabled. The Government has not mandated accessibility for the disabled, and few disabled persons work, although some develop opportunities in the informal sector.

Religious Minorities.—Relations between the various religions are generally amicable; however, in some parts of the country, Islam's dominance is such that there is strong social pressure that discourages non-Muslims from practicing their religion openly.

In January violent clashes between Christian and Muslim villages in the forest region left 30 persons dead. According to both the Secretary General of the Islamic League and the Archbishop of Conakry, the tensions were due primarily to a long-running land dispute, and they were not based on religion. The conflict calmed down after a visit by the Minister of Territorial Administration and Decentralization, but the region remained tense.

National/Racial/Ethnic Minorities.—The country's population is ethnically and regionally diverse. No single ethnic group constitutes a majority nationwide. The largest ethnic groups are the Puhlar, also called Peuhl or Fulani (about 40 percent of the population), the Malinke (about 30 percent), and the Soussou (about 20 percent). Each group speaks a distinct primary language and is concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification is strong. Mutual suspicion affects relations across ethnic lines, in and out of the Government. Widespread societal ethnic discrimination by members of all major ethnic groups is evident in private sector hiring and buying patterns, in urban neighborhoods that tend to be segregated ethnically, and in the relatively low levels of interethnic marriage, even in cities. The proportion of public sector positions occupied by Soussous, particularly at senior levels, is perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base is the Puhlar, while the RPG's main base is the Malinke. Soussou preeminence in the pub-

lic sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region have been major sources of political tensions that sometimes have erupted into violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. About 52,000 are government workers and are automatically members of the government union. The rest are engaged in private, mixed, and informal sectors. The largest independent union, Union Syndicale des Travailleurs de Guinée (USTG), claims 64,000 members, 18,000 of whom are women.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

The National Confederation of Guinean Workers (CNTG) was the sole trade union before the Labor Code was enacted. CNTG is an umbrella organization for 16 individual unions of government employees, and each of the 16 individual unions is tied to a government ministry. Although there are now other trade unions and labor confederations, the CNTG remains the largest confederation.

The CNTG is funded indirectly by the Government, although dissident members seek to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea, the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea. Several dissident groups within the CNTG left the Confederation in 1996 citing corruption among its leadership. These groups joined with some independent unions to form the United Syndicates of Guinean Workers (USTG).

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which include hospitals, radio and television, army, and police, communications, and transport services.

Strikes are met with intimidation from security forces and, as a result, often do not make it out of the organizational stage. In a 1999 speech to workers at the Coyah water plant, President Conte spoke of the willingness of many unemployed workers to take the places of those who strike. One organization, SAG, tried to organize a strike, and called in the USTG to advise; however, the strike never got out of the planning stage because the organizers were fired quickly by their employers.

The Government continues to subsidize CNTG representatives to the International Labor Organization (ILO) conferences, by paying their travel and lodging expenses. Other independent unions must provide their own funding to attend ILO conferences.

Unions may affiliate freely with international labor groups.

b. The Right to Organize and Bargain Collectively.—Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Work rules and work hours are established by the employer in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. However, in regional and prefecture levels, unionized labor faces stiff opposition from government officials. Union officials are selected on the basis of nepotism and patronage, rather than through a hierarchy of competence; these individuals are not sensitized to the rights of workers, and often view unions as an enemy of the State. As a result, union activities in the interior face harassment and interference from many governors and prefects. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convenes weekly to hear such cases. In the interior, civil courts hear labor cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code specifically forbids forced or compulsory labor, including forced and bonded labor by children; however, there were reports that women and girls were trafficked (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 12 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors is limited to large firms in the modern sector of the economy. In 1997 the Ministry of Planning estimated that in rural areas, approximately 66 percent of children between the ages of 7 and 14 were employed; the rate jumped to 91 percent in the 15 to 19 age group. In urban areas, approximately 19 percent of children between the ages of 7 and 14 were employed; the rate jumped to 50 percent for children between the ages of 15 and 19. Overall about 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. The Government has not ratified the ILO Convention 182 on the worst forms of child labor. Child labor in factories is not a prevalent problem because of the low level of manufacturing. Working children are found mostly in the informal sector areas of subsistence farming, petty commerce, and smallscale mining. Girls as young as age 14 engage in prostitution (see Section 5). The worst forms of child labor can be found in the artisanal mining sector where children haul granite and sand for little or no money. The Government has spoken out against child labor, but lacks the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers do not have access to education or health care; they suffer from chronic malnutrition, traumatic stress, and depression.

The Government prohibits forced and bonded child labor; however, there were reports that girls were trafficked (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code of 1988 provides for the establishment by decree of a minimum hourly wage; however, the Government has not done this. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also are provisions in the code for overtime and night wages, which are fixed percentages of the regular wage.

According to the Labor Code, regular work is not to exceed 10-hour days or 48-hour weeks, and there is to be a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforce these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement remained more a goal than a reality. Labor inspectors acknowledge that they cannot cover even Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested conditions without result. Sodefa, a joint venture of the Guinean and Chinese Governments, was criticized for inhuman working conditions, but when workers tried to protest, security forces were called to disperse them.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, some NGO's report that women and children are trafficked within the country, as well as internationally, for the sex trade and illegal labor. Accurate statistics are difficult to obtain, because victims do not report the crime due to fear for their personal safety.

GUINEA-BISSAU

President Koumba Yala was elected in January with a 72 percent electoral majority in a runoff election following multiparty elections in November 1999.¹ Both elections were considered by local and international observers to be generally free and fair, although there were reports of some irregularities in the November 1999 election. The Social Renewal Party (PRS), Yala's party, also won 38 of 102 National Assembly seats in the November 1999 elections. The PRS victory ended the 26-year domination of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). In January President Yala named 16 former Junta members as Ministers, creating an uneasy power-sharing arrangement between the military and the civilian government. In March at the behest of the U.N. Office on Guinea-Bissau (UNOGBIS), the U.N. Security Council called on all parties, particularly the military junta that deposed President Bernardo Viera in May 1999, to uphold the results of the election. However, General Ansumane Mane, head of the military junta, did not accept the authority of the elected government completely. The coalition government did not resolve fully the issues of control over the budget and the military. This uneasy coalition lasted for most of the year, as Mane placed increasing restrictions on the elected civilian government. However, in November Yala nominated 30 members of the armed forces for promotion without consulting Mane. In response Mane placed the Chief of Staff of the Armed Forces under house arrest, declared himself Chief of Staff, and directed his soldiers to disarm the Presidential Guard. The Presidential Guard and other elements of the armed forces refused to take part in the coup, and General Mane and approximately 35 supporters fled the capital. For a week, they hid in the countryside; however, on November 30 in Quinhamel, 40 miles north of Bissau, Mane and his supporters were surrounded, and Mane was killed in an exchange of gunfire with government forces. Subsequently President Yala reshuffled his cabinet in an effort to control the military and move forward with reconstruction. The Constitution provides for an independent judiciary; however, it is subject to political influence and corruption.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the nation's internal security; however, a lack of resources and training continued to hamper their effectiveness. The armed forces are responsible for external security and may be called upon to assist the police in internal emergencies. Members of the police and the military committed serious human rights abuses.

The population of 1.2 million relies largely upon subsistence agriculture and the export of cashew nuts. Both activities were affected negatively by the fighting beginning in 1998. Annual per capita gross domestic product (GDP) prior to 1998 has been estimated at \$840. Due to the conflict, GDP declined by 28 percent in 1998 but improved modestly in 1999 and during the year. Exports of cashew nuts returned to preconflict levels during the year. Commercial banks and other monetary institutions, which had ceased operations with the outbreak of hostilities in June 1998, reopened in July 1999. The country remains burdened by heavy external debt and massive underemployment.

The Government's human rights record was poor, and, while there were improvements in a few areas, serious problems remained. Citizens were allowed to vote in generally free and fair elections. Security forces committed some extrajudicial killings. The police and members of the armed forces continued to use beatings, physical mistreatment, other forms of harassment, and arbitrary arrest and detention. The Government did not punish any members of the security forces for abuses. Prison conditions remained poor. The Government at times used incommunicado detention. The judiciary is subject to political influence and corruption. The Government infringed on citizens' privacy rights. The Government at times limited freedom of the press, and journalists practiced self-censorship. The Government at times restricted freedom of movement. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor and some forced child labor persisted.

The conflict that ended with the May 1999 coup caused massive civilian displacement and hardship, but by June 1999 most of the 350,000 internally displaced persons had returned to their homes. By the end of 1999, virtually all persons who sought refuge in neighboring countries had repatriated spontaneously.

¹ On June 14, 1998 the United States Embassy suspended operations in the midst of heavy fighting in Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries and from other sources.

An estimated 2,000 persons were killed during the 11-month conflict between June 1998 and May 1999. Reports continued of deaths and injuries from land mines and unexploded shells that remain in populated areas.

Rebel forces were responsible for beatings, other forms of harassment, detention, robbery, and looting.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no political killings; however, on November 30, in the aftermath of an attempted coup, General Ansumane Mane and eight supporters were killed in an exchange of gunfire with government forces, while they were attempting to escape.

Troops loyal to or allied with President Vieira killed an unknown number of civilian noncombatants prior to the May 1999 coup.

Prior to the May 1999 coup, President Vieira took no action to encourage forces allied with him to minimize the loss of life among prisoners of war and the civilian population. During the 1999 coup, reports indicate that loyalist forces based in the Marinha district of the capital Bissau fired at advancing rebel forces and killed 60 civilians who had sought refuge in a nearby mission school. Overall, an estimated 2,000 persons were killed during the 11-month conflict. There was no investigation into nor action taken against the troops responsible for these killings by year's end.

No suspect has yet been named in the August 22, 1999, murder of Nicandro Barreto, Justice Minister under President Vieira. Barreto was strangled at his home in Bissau.

A mass grave uncovered in October 1999 contained the remains of 28 persons and was believed to include those of former Vice President Paolo Correia, former Attorney General Viriato Pa, and military officers sentenced to death in 1985 by a military tribunal on charges of an attempted coup. No action was taken in this case during the year.

The attack by rebel troops on the presidential palace in May 1999 reportedly left 70 persons dead. Reports indicated that indiscriminate rebel shelling in civilian neighborhoods killed noncombatants. No action was taken against any rebel troops by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits cruel and inhuman punishment, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Human rights observers noted repeated instances of police and members of the armed forces beating and abusing civilians for minor social or legal infractions. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings or deprivation. The Government rarely enforced provisions for punishment of abuses committed by security forces.

On September 7, Joao Monteiro, who had served as the intelligence chief under President Vieira, was convicted of torture and assault and sentenced to 12 years in prison. The Bissau Regional Court proved that while serving as Director General of State Security during the 1998 to 1999 crisis leading to the overthrow of Vieira, he had ordered the arrest of Ansumane Faty, who subsequently was tortured.

In November the Government arrested approximately 400 citizens and soldiers immediately following the attempted coup by General Mane (see Section 1.a.). Inacio Tavares, President of the Guinea-Bissau Human Rights League, alleged that the soldiers were held in three military camps, sometimes without drinking water, food, or medical attention. On December 14, he accused the military of physical abuse, torture, and persecution of the families of suspects. He called for accelerated hearings and permission for family visits, and, at year's end, all civilians and some soldiers were released; however, some soldiers remained in custody (see Section 1.d.).

Prior to the May 1999 coup, forces loyal to Vieira engaged in widespread harassment, including stopping civilians and subjecting them to degrading body searches without cause. In January 1999, there were reports that Senegalese soldiers, who had entered the conflict at Vieira's request, entered the Simao Mendes hospital in Bissau and removed a junta soldier who had been wounded in the conflict. The soldier was returned the next morning with several cuts and what appeared to be cigarette burns, as well as gangrene, which may have been related to his original combat wound. The soldier died within a few days. No action was taken against the soldiers by year's end.

In 1999 human rights monitors reported several incidents in which police accused of rape or the mistreatment of prisoners prior to the May 1999 coup were not prosecuted.

In 1999 there were credible reports that rebel soldiers beat and harassed civilians suspected of government sympathies.

Prison conditions remained poor, but generally they were not life threatening. Beatings and deprivation were used as a means of coercion. The June 1998 rebellion effectively stopped a program aimed at halting such methods. Prison authorities had very little control over inmates, many of whom simply left during the day. Following a request in 1998 by the Interior Minister for international donor assistance to rehabilitate the prisons, the European Union renovated two of them, but following the fighting in May 1999, no further repairs have been made. Many prisons were damaged during the fighting in May 1999, and the inmates escaped and have not been recaptured.

The Human Rights League was given access to most prisoners during the year, including 600 loyalist troops detained as prisoners of war following the May 1999 coup. Of those persons detained, 180 were released immediately and another 50 individuals were released within a month. At the end of 1999, more than 385 persons remained in detention; however, at year's end, only Afonso Te, Vieira's former deputy chief of staff, remained in prison (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial; however, in practice the judicial system generally failed to provide these rights.

Police detained suspects without judicial authority or warrants, occasionally using house arrest. Prior to the May 1999 coup, the Government held detainees without charge or trial for extended periods of time, sometimes incommunicado; however, during the year, such abuse was infrequent, and detainees were held for short duration. The authorities routinely did not observe bail procedures.

In November the Government arrested approximately 400 citizens and soldiers immediately following the attempted coup by General Mane. Inacio Tavares, President of the Guinea-Bissau Human Rights League, accused the military of physical abuse, torture, and persecution of the families of suspects. He called for accelerated hearings, and at year's end, many of the persons had been released (see Sections 1.a. and 1.c.).

On May 27, the Government arrested Fernando Gomes, the former president of the Guinea Bissau Human Rights League and president of the newly formed political party, Socialist Alliance of Guinea Bissau, and two television journalists. The three were held incommunicado for 2 days in a windowless, unlighted cell. They were charged with slander and defamation after Gomes publicly accused Prime Minister Caetano N'tchama of corruption, making false statements, and incompetence. All three were released on bail on May 29; charges against the journalists were dropped on May 30, and at year's end, no further action had been taken against Gomes.

Between November 24 and 26, the Government arrested several opposition politicians on suspicion that they supported the attempted coup by General Mane. Those detained included Francisco Benante, the president of the African Party for the Independence of Guinea (Bissau) and Cape Verde; Fernando Gomes; Fernando Mendoca; and several members of the Union for Change opposition party, including Amine Saad—the former Procurator General, Manuel Rambout Barcelos, Caramba Ture—an M.P., and Agnello Regala—director of Bombolon radio. Reportedly they were held for almost a week before a judge released them for lack of evidence. President Yala invalidated their passports and placed them under house arrest in Bissau. At year's end, some remained under house arrest.

Amnesty International accused the Government of isolated incidents of arbitrary arrest and harassment.

Following the May 1999 coup, the Government detained as prisoners of war about 600 of the loyalist forces who had defended Vieira; 180 of these soldiers were released immediately, and another 50 were released within a month. At the end of 1999, more than 385 remained in detention; however, at year's end, only 1 senior official associated with the May 1999 coup remained in prison (see Section 1.c.).

The Government does not use forced exile. Following the May 1999 coup, the military junta allowed President Vieira safe passage to leave the country for The Gambia to receive medical treatment, reportedly with the understanding that he would return to the country to stand trial on charges of corruption and human rights abuses. After leaving the country, Vieira traveled to Portugal and was granted asy-

lum. In October 1999, the Attorney General traveled to Portugal to present evidence of human rights abuses by Vieira and to request his return to Guinea-Bissau to stand trial. The Government of Portugal stated that it had not received a request for Vieira's extradition, and there is no indication the Government has requested his extradition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges are trained and paid poorly, and sometimes are subject to political pressure and corruption. The Supreme Court is especially vulnerable to political pressure, because its members are appointed by the President and serve at his pleasure. The judiciary is reluctant to decide cases of a political nature. Cases against several former members of the Government were delayed. The Supreme Court failed to deal impartially with highly charged political cases. However, there is some evidence that the judiciary retains a degree of independence. Most officials who were charged with treason immediately following the ouster of former President Vieira in May 1999 have been acquitted for lack of evidence. The Chief Justice of the Supreme Court was elected democratically by his colleagues on November 22 and officially installed on December 6; he was not appointed by the President.

Trials involving state security are conducted by civilian courts. Under the Code of Military Justice, military courts try only crimes committed by armed forces personnel. The Supreme Court is the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional law still prevails in most rural areas, and urban dwellers often bring judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolve disputes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Home, or Correspondence.—The Constitution provides for the inviolability of domicile, person, and correspondence; however, the Government does not always respect these rights. The police do not always use judicial warrants and have forced entry into some private homes.

Loyalist forces reportedly searched private residences in Bissau without cause and without warrants. Loyalist forces allegedly were guilty of theft from both private homes and stores.

International and domestic mail at times was opened; however, this violation was by poorly paid postal employees in search of money or other valuables, not by security personnel. Limited mail service resumed in June 1999, after a 1-year shutdown following the destruction of the country's main post office building during the 1998 rebellion.

Rebel forces allegedly stole from private homes and stores.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government at times limited these rights in practice, and journalists continued to practice self-censorship.

Amnesty International alleged that in some cases the Government intimidated journalists. On May 17, soldiers fired shots and entered the office of the newspaper *Diario de Bissau* to threaten a journalist who wrote an opinion piece critical of President Yala's wife. Journalists of the national press faced retribution for making comments critical of government operations.

Prior to the outbreak of hostilities in June 1998, the print media consisted of one independent daily, three independent weeklies, one government-owned biweekly, and one independent monthly. All of the newspapers during the year published only sporadically due to financial constraints and dependence on the state printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the raw materials to publish them. At the end of the year, the government-owned *Diario de Bissau* published several times a week; other newspapers, *Banobero*, *Gazeta de Noticias*, and *No Pintcha*, were weeklies.

Prior to the 1998 rebellion, there were three independent radio stations and one government-controlled station in Bissau. In addition Radio Portugal and Radio France International broadcasts were received from Lisbon and Paris. There were also three community radio stations operated by the indigenous nongovernmental organization (NGO) Action for Development. One independent station rebroadcast the British Broadcasting Corporation and another rebroadcast the Voice of America. The government-controlled national radio continued to transmit from Radio Mavegro facilities that it took over in June 1998. The Voice of the Military Junta broadcasts from facilities that formerly broadcast Radio Bombolom, whose owner sympathized with the rebels. During the year, the independent stations Radio Pidjiguiti and Radio Mavegro resumed broadcasting; however, the NGO-assisted

community stations have not resumed operations. Reportedly the government-controlled stations practice self-censorship.

In December the Director of National Radio, Julio Ca, was suspended by government authorities; journalists said that they accused the Director of unbecoming behavior and censoring some stories.

On May 27, the Government arrested two television journalists, for reporting a politician's allegations of corruption and incompetence against the Prime Minister. They were held incommunicado for 2 days in hot, dirty, and unlighted cells. On May 29, they were charged with slander and defamation and released from custody. After a meeting between the Prime Minister and journalists on May 30, all charges were dropped. In November the Government detained the director of Radio Bombolon. Many foreign journalists were able to circulate and report on political developments, including the January election.

The Internet is available in the country; there were no reports of government interference.

Academic freedom generally was observed until the outbreak of fighting in 1998. After ceasing to function following the June 1998 rebellion, schools and research institutions reopened in most parts of the country in March 1999.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respected this right in practice. Government approval is required for all assemblies and demonstrations. Prior to the June 1998 rebellion and following the May 1999 coup, the Government approved all such requests. There were no public assemblies or demonstrations between June 1998 and May 1999. Following the May 1999 coup, numerous organizations held rallies, some of which were critical of the Government; however, there were no reports of demonstrations during the year.

The Constitution provides for freedom of association, and the Government respected this right in practice. The Government did not prohibit or discourage the formation of associations; however, all private associations were required to register with the Government. There were no reports of associations being denied registration.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respected this right in practice.

Although the Government must license religious groups, no applications were refused during the year; however, there were no reports that applications were made.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice. Checkpoints and police harassment occurred frequently during the year. After the outbreak of fighting in 1998, vehicle traffic was curtailed severely; however, during the year, such restriction was intermittent. Both government and rebel forces blocked the road from Bissau to the interior and interfered with the free movement of traffic. The Government carefully controlled movement within Bissau, prohibiting most traffic. Movement in the interior was restricted to a lesser extent, but it was still subjected to occasional interference by both government and rebel forces. The land borders with Senegal were closed to travelers during the early stages of the conflict. Later, Senegal allowed humanitarian convoys to transit the border. Land borders with Guinea generally remained open. The national airport, which had remained under rebel control after the outbreak of fighting, was reopened to commercial traffic in May 1999. Several times during the year, the Government closed the border with Senegal in reaction to cross-border raids by bandits in both countries. On September 6 and 7, the Governments of Senegal and Guinea-Bissau pledged to work to restore free trade and eliminate criminal cross border activities.

The Minister of the Interior issues passports. Citizens have the right to return and are not subject to political revocation of their citizenship.

The conflict that ended with the May 1999 coup caused massive civilian displacement and hardship; however, by year's end, most of the 350,000 internally displaced persons had returned to their homes; all areas of the country were open to returning citizens. By the end of 1999, virtually all persons who sought refuge in neighboring countries had repatriated spontaneously.

The Government does not have formal provisions to recognize refugee status, but it was granted on a case-by-case basis. The Government has provided first asylum to refugees from the conflicts in Liberia, Sierra Leone, and the Casamance region of Senegal. A January 1998 U.N. High Commissioner for Refugees (UNHCR) census revealed the presence of just under 5,000 Senegalese refugees in Guinea-Bissau. The majority of these persons were found along the country's northern border with Senegal. Prior to the outbreak of hostilities in 1998, the UNHCR established a refugee camp south of the border region at Jolomete, which housed about 700 refugees.

After the May 1999 coup, the UNHCR continued efforts to relocate these refugees, most of whom were displaced internally when the fighting erupted.

No refugees were deported forcibly to a country where they feared persecution. Foreign refugees who fled Bissau with the outbreak of fighting are believed to have done so voluntarily.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

President Koumba Yala was elected in January with a 72 percent electoral majority in a runoff election following multiparty elections in November 1999. Yala defeated interim president Malam Bacai Sanha of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). Both elections were considered to be generally free and fair by international observers, foreign diplomats, and local NGO's. Yala's party, the Partida de Renovacao Social (PRS), won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination of the PAIGC.

The African Party for the Independence of Guinea Bissau and Cape Verde (PAIGC), the country's only legal party from 1974 to 1991 and the majority party in the National Assembly until the November 1999 elections, won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority. The Partido de Renovacao Sociat (PRS) won 38 seats, and the Resistencia da Guine Bissau (RGB) won 29 seats, while 4 other parties split the remaining 11 seats. The elections, which included candidates from 13 parties, as well as several independents, were judged to be generally free and fair by international observers, although they reported some irregularities.

In preparation for the November 1999 elections, the National Electoral Commission, with the assistance of the UNOGBIS, conducted a voter registration program among the estimated 1.2 million population. The current rolls showed 525,367 voters. About 400,000 persons voted in the November 1999 elections.

PRS leader Koumba Yala and interim President Malan Bacai Sanha of the PAIGC led a field of 12 candidates for president. Neither candidate secured an absolute majority as required by law, so Yala and Sanha faced each other in a second round of voting on January 16.

General Mane and the junta consistently declared that they would stay out of politics once a new civilian government was elected; however, Mane did not accept completely the authority of Yala's Government. When he was inaugurated in January, President Yala named 16 former junta members as Ministers, creating an uneasy power-sharing arrangement between the military and the civilian government. The resulting coalition government did not resolve fully issues of control over the budget and the military. This uneasy coalition lasted for most of the year, as Mane placed increasing restrictions on the elected civilian government. However, in November Yala nominated 30 members of the armed forces for promotion without consulting Mane. In response Mane placed the Chief of Staff of the Armed Forces under house arrest, declared himself Chief of Staff, and directed his soldiers to disarm the Presidential Guard. The Presidential Guard and other elements of the armed forces refused to take part in the coup, and General Mane and approximately 35 supporters fled the capital. For a week, they hid in the countryside, and on November 30 in Quinhamel, 40 miles north of Bissau, Mane and 8 of his supporters were killed in an exchange of gunfire with government forces. Subsequently, President Yala reshuffled his cabinet in an effort to control the military and move forward with reconstruction.

Adequate and timely payment of soldier and veteran benefits remained a concern. Some international loan funds were devoted to such payments; the problem of back pay for members of the armed forces remained unresolved at year's end.

The Government arrested several opposition politicians during the year (see Section 1.d.).

Women are underrepresented in government and politics. In the National Assembly, women occupy 9 of the 102 seats. In the Government of National Unity inaugurated in February 1999, 1 of 10 cabinet ministers was a woman; however, there are no female ministers in President Yala's government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not interfere with the privately operated Guinea-Bissau Human Rights League (LGDH), and international human rights groups continued to investigate human rights abuses without government harassment. International and nongovernmental human rights groups, which effectively ceased operations with the outbreak of hostilities in June 1998, resumed activities following the inauguration of a Government of National Unity in February 1999.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and law prohibit discrimination on the basis of sex, race, and religion; however, in practice, the Government does not enforce these provisions effectively.

Women.—Physical violence, including wife beating, is an accepted means of settling domestic disputes. Although police intervene in domestic disputes if requested, the Government has not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Discrimination against women persists, although officially it is prohibited by law. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children.—The Government allocates only limited resources for children's welfare and education. According to a November study by an international agency, enrollment in basic education rose from 42 percent in 1993 to 62 percent in 1998 (girls went from 32 percent to 45 percent, while boys went from 55 percent to 79 percent). However, in 1998 10 percent of rural schools offered only the first grade, and 23 percent offered only the first and second grades. Following the beginning of fighting in 1998, enrollment fell to 57 percent. Adult illiteracy is 66 percent for men and 82 percent for women.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice is increasing as the population becomes more Muslim and is being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, it formed a national committee in the mid-1990's that continued to conduct a nationwide education campaign to discourage FGM. International NGO's, including the Swedish group Radda Barnen and Plan International, as well as several domestic NGO's, such as Friends of Children and Sinim Mira Nasseque, continued working through the national committee to eliminate FGM. The efforts of both domestic and international groups, largely suspended after the outbreak of fighting in June 1998, resumed in many parts of the country in February 1999.

People with Disabilities.—There is no law mandating accessibility. The law does not prohibit discrimination against the disabled specifically, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist disabled veterans through pension programs, but these programs do not address adequately veterans' health, housing, and food needs; there are no reports of funds for special programs for the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority of the population works in subsistence agriculture. Most union members are government or parastatal employees; only a small percentage of workers are in the wage sector and are organized.

The Government registers all labor unions. There are 11 labor unions registered and operating. All unions are officially independent of the Government, but seven unions are affiliated with the National Trade Union Confederation (UNTGB), which retains close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. The Constitution provides for the right to strike and protection for workers from retribution for strike activities.

The only legal restriction on strike activity is the requirement for prior notice. In past years, several unions have conducted legal strikes with no retribution against the strikers; however, there were no strikes during the year.

Both enforcement of the law and the functioning of the formal economy, which largely ceased after the outbreak of hostilities in June 1998, returned to preconflict levels following the inauguration of a Government of National Unity in February 1999.

All unions are able to affiliate freely with national confederations and international labor organizations of their choice. The Uniao Nacional dos Trabalhadores da Guine-Bissau (UNTGB) is affiliated with the International Confederation of Free Trade Unions. Other unions belong to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution does not provide for or protect the right to bargain collectively, and there were no instances

of genuine collective bargaining. Most wages are established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers.

The Government's provisions for the protection of workers against antiunion discrimination have very little effect due to low union membership. Although there are no laws providing sanctions against employers practicing such discrimination, no workers have alleged antiunion discrimination, and the practice is not believed to be widespread.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by law, and these prohibitions generally are enforced in the formal sector; however, children often are forced by their parents or guardians to work as street traders or agricultural laborers in the informal sector (see Section 6.d.). The Government has not taken action to combat such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1986 General Labor Act established a minimum age of 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally are followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor do not enforce these requirements in other sectors. Children in cities often work in street trading, and those in rural communities do domestic and field work without pay. The Government does not attempt to discourage these traditional practices.

The law prohibits forced or compulsory labor by children; however, while this prohibition generally is enforced in the formal sector, such labor occurs in the informal sector (see Section 6.c.).

The Government has taken no action on ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government's Council of Ministers annually establishes minimum wage rates for all categories of work but does not enforce them. The lowest monthly wage is approximately \$15 (9,000 CFA). This wage is insufficient to provide a decent standard of living for a worker and family, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture. The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision. With the breakdown of the formal economy in June 1998, most of the country returned to barter, and both the Government and the private sector lacked the funds to pay salaries. Following the inauguration of a Government of National Unity in February 1999, activity in the formal economy started to return to preconflict levels, and the Government was able to pay most salary arrearages.

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards are not enforced, and many persons work under conditions that endanger their health and safety.

Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs. In view of high unemployment, a worker who left for such reasons would be replaced readily.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, through, or within the country.

KENYA

Kenya is a republic dominated by a strong presidency. President Daniel Arap Moi, who has led the Kenya Africa National Union (KANU) and served as President since 1978, was reelected most recently in 1997, in the country's second general election since the restoration of multiparty politics in 1991. Since independence in 1963, no president ever has left office in consequence of an election, and KANU has controlled both the presidency and the national legislature continuously, although other parties were illegal only from 1982 to 1991. KANU again won a majority in the 1997 legislative elections and at year's end, KANU members held 118 of 222 seats in the unicameral National Assembly. While there were numerous flaws in the 1997 elections, observers concluded that the vote broadly reflected the popular will. In addition to his role as President, Moi is the commander in chief of the armed forces, and he controls the security, university, civil service, judiciary, and provin-

cial, district, and local governance systems. The judiciary suffers from corruption and is subject to executive branch influence.

In addition to the armed forces, there is a large internal security apparatus that includes the police Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS), the National Police, the Administration Police, and the paramilitary General Services Unit (GSU), which details members on a rotating basis to staff the 700-person Presidential Escort. The CID investigates criminal activity and the NSIS collects intelligence and monitors persons whom the State considers subversive. In 1999 in an effort to improve the accountability of investigative services, Parliament passed and implemented laws that removed arrest authority from the NSIS and separated the organization from the CID. Members of the security forces, especially the police, continued to commit serious human rights abuses.

The large agricultural sector provides food for local consumption, substantial exports of tea, coffee, cut flowers, and vegetables, and approximately 70 percent of total employment. Although many sectors continued to be dominated by state-owned monopolies, the nonfarm economy includes large privately owned light manufacturing, commercial, and financial sectors. Tourism was second only to tea exports as the largest single source of foreign exchange. Major international financial institutions renewed nonproject assistance during the year, which had been suspended in 1997 due to widespread government corruption associated with a lack of transparency and accountability; however, by year's end the disbursement of some assistance was suspended due to the Government's inability to meet agreed conditions. During the year, annual per capita gross domestic product remained virtually unchanged in real terms, at approximately \$279. The spread of HIV/AIDS, which was estimated to have infected about 14 percent of the population between the ages of 14 and 49, as well as drought and famine in some rural areas during the year, exacerbated economic problems.

The Government's human rights record was poor, and although there were improvements in some areas, serious problems remained. Citizens' ability to change their government peacefully has not yet been demonstrated fully. Security forces, particularly the police, continued to commit extrajudicial killings, torture and beat detainees, use excessive force, rape, and otherwise abuse persons. Prison conditions remained life threatening. Police arbitrarily arrested and detained persons, including journalists. The Government arrested and prosecuted a number of police officers for abuses; however, most police who perpetrated abuses were neither investigated nor punished. Lengthy pretrial detention is a problem, and the judiciary is subject to executive branch influence. The authorities infringed on citizens' privacy rights. The Government limited freedom of speech and of the press, and harassed, intimidated, and economically pressured newspapers that often were critical of the Government; however, the Government significantly reduced its domination of the domestic broadcast media. The Government repeatedly restricted freedom of assembly, and police increasingly disrupted public meetings, used force to disperse demonstrators and protesters, and harassed and arbitrarily detained political dissidents, including opposition party legislators. The Government at times interfered with the activities of religious groups, and limited freedom of movement. The Government restricted freedom of association. The Government continued to limit the independence of its Standing Committee on Human Rights, and the President continued to criticize nongovernmental human rights organizations. Violence and discrimination against women and abuse of children remained serious problems. Female genital mutilation (FGM) remained widespread, child prostitution remained a problem, and the spread of HIV/AIDS created many orphans. There was some discrimination against the disabled, and discrimination and violence against religious and ethnic minorities remained problems. The Government continued to exacerbate ethnic tensions by discriminating against many ethnic groups; interethnic tensions continued to result in numerous violent conflicts and some deaths. There were reports of a number of ritual murders associated with traditional indigenous religious practices, which contributed to growing public concern about satanism. The Government continued to limit some worker rights. Child labor remained a problem, and there were instances of forced child labor. Violence by mobs and by nongovernmental armed groups from neighboring countries also resulted in many deaths.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Security forces, especially members of the police, the GSU, and the CID, continued to use lethal force and committed a number of extrajudicial killings. According to government figures, police killed 120 suspected criminals, and another 39 suspects and detainees died while in police cus-

tody by year's end. The nongovernmental Kenyan Human Rights Commission (KHRC) reported that police killed 198 persons during the year (compared to 243 persons in 1999), including at least 49 by torture (see Section 1.c.). Police often lacked restraint in employing lethal force, and the Government generally failed to take appropriate action against members of the security forces accused of extrajudicial killings.

On January 1, police attached to the Ng'araria Chief's Camp in Murang'a allegedly beat 10-year old Joseph Ndung'u Nyoike for suspected theft (see Section 1.c.); the boy died after spending the night in prison. District authorities arrested two police officers after autopsy results indicated that Ndung'u died from beatings. The case was under investigation by authorities at year's end. On January 15, police from the Mukuruwei-ini police station allegedly beat to death Philip Machau after he was caught stealing a piece of second-hand clothing (see Section 1.c.). According to press reports, police severely beat Machau despite onlookers' protests; Machau died at the police station that night. An inquest into the case by the Chief Magistrate in Nairobi was ongoing at year's end. On March 23, Philip Kipkoech Kirui, a brother of a nominated local councilor, died after being transferred from prison in Londiani to the local hospital for treatment; allegedly he had been tortured. Five police officers based at the Londiani Police Station, Dickson Liyayi, Peter Chelanga, Isaac Walimbwa, Robert Ombui Onyancha, and Boniface Onyango, were charged with Kirui's killing after a march was held to protest the alleged abuse of Kirui in Londiani. The case was pending in the courts at year's end. On March 24, officers from the Flying Squad (a quick response antitheft unit) shot and killed eight suspected carjackers as they fled from a car in Nairobi; the driver of the vehicle was unharmed. Some human rights observers criticized the officers' use of excessive force during the incident. On March 26, a police officer in Meru reportedly killed Wallace Kiogora. The officer was arrested for Kiogora's murder on March 29. On April 30, there were reports that Sophia Nyaguthii Mbogo, a pregnant 21-year-old woman, died in custody at the Kagio Police Post reportedly after she was beaten by a policeman (see Section 1.c.). No arrests were made in the case; however, an inquest before the Principal Magistrate's Court at Kerugoya was ongoing at year's end. On September 4, prison guards at the King'ong'o Prison in Nyeri killed six inmates who were attempting to escape. Officials initially claimed that guards shot the six as they fled; however, there were conflicting reports that the six died of blows to the head and severe beatings after recapture (see Section 1.c.). The Attorney General ordered an investigation into the killings, and the police were investigating the matter at year's end. The Attorney General promised to prosecute the guards if they are suspected of wrongdoing. An inquest into the case was ongoing at year's end.

In April after numerous deadly attacks on police, Marsden Madoka, Minister of State in the Office of the President, stated that police should use lethal force to eliminate criminals from the streets. The Minister's comments reflect a growing concern that security forces often are not armed or equipped sufficiently. In responding to continuing high levels of crime, some police used excessive force. On May 27, members of the Flying Squad allegedly seriously injured two suspected carjackers during arrest. The police brought the unconscious suspects to the City Morgue where the police reportedly shot and killed them. There were no reports of any investigation at year's end. On July 1, police in Nairobi fired on unarmed suspected carjackers at a major traffic circle, killing the driver, Michael Ngigi, and seriously injuring the passenger, George Ngugi. Ngugi, a civil servant who owned the vehicle, reportedly begged police not to shoot before the officers fired at him. Several police officers were arrested; however, no charges were filed against them by year's end. There were reports that one of the officers involved in the incident fled the country.

Police also killed several bystanders while exchanging gunfire with criminals. For example, in early January in East Baringo, police shot and killed 5-year-old Chesortich, when they fired on her family's home. Allegedly the officers suspected that the family was harboring cattle rustlers. In February police fired at suspected robbers who were fleeing from police and seriously wounded a teenaged boy from Maragwa in Central Province (see Section 1.c.).

Some official efforts have been made to investigate and punish police abuses. In August 1999, police killed five Muslim worshipers in the Anas Bin Malik Mosque in Chai village, near Mombasa. Within 1 month of the killing, the Government charged two police officers, Julius Mugambi M'nabere and Stephan Musau Kilonzo, with the killings; they were released on bail pending trial at year's end. In November 1999, a trial began against Justus Munyao Kovu and Gabriel Muendo, two Makeni police officers accused of killing Mwendo Kiema during detention in July 1999. On September 6, Godwin Mukhwana, a member of the Presidential Escort, was convicted of manslaughter and sentenced to 8 years in prison for killing Jamal

Abedi and Henry Musyoka, the driver and tout of a passenger van, in December 1998. In December 1998, Ephantus Njagi Nguthi died from injuries that he reportedly received while in custody in Matanya, Laikipia district. Police reportedly had beaten his testicles. Two police officers, Christopher Mugeru and Muiruri (who died before year's end), were arrested in the case. Three Flying Squad officers, Isaiah Muoki Musyoka, Kenneth Kaunda Obiero, and Andrew Kimungetich Koros were found guilty of manslaughter and sentenced to 15 years imprisonment for the July 1998 killing of James Odhiambo. On June 29, the High Court sentenced police constable Felix Nthiwa Munyao to life in prison for beating his wife to death in July 1998. Munyao beat his wife so severely that she went into a coma and died 5 months later. The case was publicized widely because the police refused to charge Munyao with a crime until his wife had died. On June 7, police officers Jackson Parsalach and Austine Kabarayo were found guilty of manslaughter and sentenced to 2° years imprisonment for the death in custody of 60-year-old Job Cherutich; police constables Michael Chebon Chelimo and Chebon were acquitted. In December an inquest was completed into the January 1997 death of Catholic lay brother Larry Timmons in Njoro, which concluded that a police officer should be prosecuted for the killing; the status of the prosecution was not known at year's end. In May a court in Nairobi sentenced to death police constable Martin Kimeu for the November 1995 murder of a petty theft suspect, Kennedy Omondi Omolo, whom he shot and killed while in custody.

There were no effective police investigations into many cases of killings by members of the security forces. The authorities sometimes attribute the absence of an investigation into an alleged extrajudicial killing to the failure of citizens to file official complaints. However, the form required for filing complaints is available only at police stations, which often lack the forms or are not forthcoming in providing them. There also is considerable public skepticism of a process that assigns the investigation of police abuse to the police themselves.

There were no reported investigations into the following 1999 cases during the year: The September killing of Mwanzia Mutkuku, who was killed when police opened fire on the night club below his apartment; the September killings of two armed men at a bank in Nairobi; the July killings of Peter Kariuki, Jacob Anaseti, and Ramadhani Barula while in police custody; the June killings of Victor Polo and Vincent Odhiambo, two suspected robbers; the April killing of Ahluwalia Subir Ahluwalia; the February killing of Elijah Kimani Mwaura, who allegedly was tortured and beaten to death while in police custody; the March killing of Ibrahim Kullov Hussein; the February killing of David Muragi, a grammar school student, who died after a night in police custody where he allegedly was beaten; and the January killing of two rice farmers in Mwea.

There were no reported investigations into the following 1998 cases during the year: The police shooting death of Simon Githinji Kigera, also a policeman, in Nairobi—police maintain they shot in self defense; the killing of Vincent Nyumba Kiema due to a police beating; the killing of Sheik Mohammad Yahyah, who was tortured by army personnel; the killing of Muthoka Mukele after he apparently was beaten in police custody; and the killing of Alfred Kang'ethe after he was beaten by the Uthiru police.

Several 1998 cases of extrajudicial killings remained unresolved at year's end. Police continued to investigate the June 1998 shooting death of Pastor Simeon Kiti Mwangoma (or Mwangalee) by Kilifi police, but took no further action during the year; police maintain Mwangoma was the leader of a notorious gang. Army officer Aden Almi and police officers Faneis Malaba Mbiya and Kennedy Bitange faced charges of murder in connection with the death in police custody in Garissa of Ali Hussein Ali; the High Court in Nairobi is scheduled to hear the case in March 2001. Kitui authorities charged assistant chief Simeon Mwandinga and four other persons with inciting or participating in the 1998 mob killing of Kamwila Kamungu. Two persons were sentenced to 3 years' imprisonment; Mwandinga and two other persons were acquitted. Another assistant chief, Josephine Matalu, was acquitted of investigating the 1998 beating death of Kiema Mwisuve. The trial of the suspects in the 1998 murder of Seth Sendashonga was ongoing at year's end.

A hearing before the Senior Resident Magistrate in Kitale in the 1997 deaths in police custody of Moses Macharia Gicheru and Lomurodo Amodoi was scheduled for early 2001.

On August 24, Father John Anthony Kaiser, a Catholic priest working in the country for over 30 years, was found dead near Naivasha town. Father Kaiser was a vocal human rights activist and a critic of key members of the Government. The investigation was ongoing at year's end; there are no known suspects.

On November 30 and December 1, Muslim worshippers and local traders fought over land surrounding a mosque in a residential neighborhood in Nairobi, resulting in the deaths of four persons and numerous injuries (see Sections 1.c. and 2.c.).

Hundreds of prisoners died in custody due to life-threatening prison conditions, including inadequate food and medical treatment (see Section 1.c.). The Government recorded 658 deaths in prisons during the first 10 months of the year. On June 10 and 11, inmates at Rumuruti GK Prison in Laikipia District rioted over a food shortage, which resulted in the death of one prisoner (see Section 1.c.).

Mob violence increased during the year, which observers believe may have been associated with a continuously high crime rate. According to the KHRC, 138 persons were killed in mob violence during the year. The Government recorded 240 deaths due to mob violence during the year. Human rights observers attribute mob violence to a lack of public confidence in the police and the judicial process. The great majority of mob violence victims, who died by lynching, beating, or burning, were persons suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. However, the social acceptability of mob violence also provided cover for personal vengeance under the guise of "mob justice." According to media reports, on March 26 in Juja (Central Province), parishioners on their way to mass stoned to death two carjackers who were attempting to steal a fellow parishioner's automobile. No arrests were made in the case. On July 16, villagers in Munyu, Thika (Central Province), burned to death five teenaged boys, Walter Midamba, Juma Musyimi, Julius Nduati, Ibrahim Mburu, and Maina, on suspicion of theft. The five had been caught running through the yard of a man whose home had been robbed the previous week. In October President Moi advised citizens to rely on the police, not vigilantism, to deal with suspects.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft (see Sections 2.c. and 5); however, there were no known statistics about the number of deaths during the year. On October 3, a mob of residents of Nairobi's Kariobangi North neighborhood lynched three suspected child abductors (believed to be devil worshipers), including a grandfather who was walking with his grandchild (see Section 5). In late October in Kisii, police intervened to block villagers from killing seven suspected witches. Also in October, the press reported that villagers burned alive a suspected sorcerer in Kimburini.

Interethnic violence in rural areas continued to cause numerous deaths (see Section 5).

There were several incidents during the year in which persons were killed during interethnic disputes; some of these disputes crossed into the country from neighboring countries (see Section 2.d.).

In late November, armed men reportedly from Ethiopia killed nine persons and seriously injured five others near the border town of Moyale. Local politicians claimed that the attackers had support from Ethiopian security forces; the incident was not resolved by year's end.

The Oromo Liberation Front (OLF), an Ethiopian rebel group, reportedly has laid landmines in northern areas of the country near the Ethiopian border; however, there were no reports of any deaths or injuries during the year.

b. Disappearance.—There were no reported cases of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution states that "no one shall be subject to torture or degrading punishment or other treatment;" however, security forces continued to use torture and physical violence as methods of interrogation and to punish both pretrial detainees and convicted prisoners. Although police authorities periodically issue directives against the use of torture by police, the problem persists. Human rights organizations and the press highlighted scores of cases of torture, and several cases of indiscriminate beating of groups of persons by police during the year. Common methods of torture practiced by police included hanging persons upside down for long periods, genital mutilation, electric shocks, and deprivation of air by submersion of the head in water. The KHRC reported 49 torture related deaths during the year (see Section 1.a.).

There were numerous allegations of police use of excessive force and torture. The KHRC recorded 157 cases of police brutality during the year. Detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents. On January 1, police attached to the Ng'araria Chief's Camp in Murang'a allegedly beat 10-year-old Joseph Ndung'u Nyoike for suspected theft; the boy died after spending the night in prison (see Section 1.a.). On January 15, police from the Mukuruwei-ini police station allegedly beat to death Philip Machau after he was caught stealing a piece of second-hand clothing (see Section 1.a.). In mid-January police in Kapsabet allegedly tortured William Tanui for 5 days while he

was detained for illegally transporting maize. There was no known action taken against the police by year's end. In February police fired at suspected robbers who were fleeing from police and seriously wounded a teenaged boy from Maragwa, Central Province (see Section 1.a.). On February 5, in Nyahururu, Laikipia District, Mose Wambugu, a plainclothes police officer from the Special Crime Prevention Unit, reportedly shot Miriam Wamboi in the head after she refused the officer's demands for sex. Wamboi was in a coma for a month following the shooting and the bullet remains lodged in her brain. On February 6, Wambugu was arrested and remained in detention pending a trial at year's end. In April police beat and arrested Mohammed Sheikh, a journalist for the People (see Sections 1.d. and 2.a.). On April 30, there were reports that Sophia Nyaguthii Mbogo, a pregnant 21-year-old woman, died in custody at the Kagio Police Post (see Section 1.a.). A newspaper article claimed that autopsy results concluded that she died from internal bleeding due to "superficial" bruises. A cellmate of Mbogo's told reporters that she saw a Kagio policeman by the name of Kaundu enter Mbogo's cell and beat her head with a club. On May 9, police officers Charles King'ori and Wilson Kinyanjui from the Makeni Police Station allegedly undressed Charles Muteti Mulwa, bound his hands and legs, and beat his testicles. A doctor from the Ministry of Health told reporters that Mulwa suffered from twisted testicles and cigarette burns on his feet. King'ori and Kinyanjui were charged with assault and their cases were pending before the Makindu Principal Magistrate at year's end; it was unknown whether they were in detention or released on bail. A woman, Margaret Njeri, claimed that police tortured her to extract a confession; police officers allegedly stripped, whipped, beat her until she bled, and sexually abused her. On May 28, Njeri filed a formal complaint to police and said that she intended to sue police for damages; the case was pending at year's end. In October 1999, police had arrested and detained Njeri in prison for 5 months before the courts acquitted her of charges of running a group of carjackers. On September 4, prison guards at the King'oro Prison in Nyeri killed six inmates who were attempting to escape (see Section 1.a.). Officials initially claimed that guards shot the six as they fled; however, there were media and NGO reports that the six had died of blows to the head and severe beatings after recapture. By some accounts, the dead inmates had their eyes gouged out and heads beaten, and they were disfigured beyond recognition. The Attorney General ordered an inquest into the killings, and the police were investigating the matter at year's end. The Attorney General promised to prosecute the guards if they are suspected of wrongdoing. On December 30, police chased and beat Betty Dindi, a journalist for The Nation, who was covering a shareholders meeting of Mbo-I-Kimati, a land-owning firm, which had been banned by police (see Sections 2.a. and 2.b.).

In September a magistrate in Nakuru granted the request of six army officers, Nahashoon Kili, Moses Kiprotich, John Masai, Joseph Tanui, Henry Buienei, and Tito Rono, to pursue charges of torture against members of the 66th Artillery Battalion. The six had been held for 6 months on suspicion of mutiny in the first half of the year. The case was pending at year's end.

According to organizations that work with street children, police also beat and abuse street children (see Section 5). The WEMA Street Girls Center pressed charges against two Mombasa police officers, Mwingi Chula and Peter Ndwiga, who were arrested for raping a 13-year-old street girl in May 1999. Hearings on the case began on December 22.

Police repeatedly used excessive force and beat persons when breaking up demonstrations (see Sections 2.b. and 6.a.). On February 28, police in Nanyuki disrupted a public civic education play by a theater group (see Sections 1.d. and 2.b.). According to the production organizers, the Centre for Governance and Development (CGD), police disrupted the play and beat several persons in the audience. On December 17, 100 riot police used tear gas and batons to forcibly disperse a march headed by 5 M.P.'s, including James Orenge, injuring numerous persons (see Section 2.b.).

Following President Moi's December 8 ban on all future rallies by the Muungano wa Mageuzi (Movement for Change) (see Sections 1.d., 2.a., 2.b., and 3), police prevented or forcibly dispersed all rallies held by the group, which resulted in several injuries and arrests.

In early May, President Moi was quoted widely in the press calling for action against the Mungiki religious and political group; police forcibly disrupted several of the group's meetings during the year, injuring several persons (see Section 2.b.). On July 30, police in Nyeri arrested 10 Mungiki members for holding an illegal assembly, reportedly injuring some of them (see Sections 1.d. and 2.c.).

Police forcibly dispersed several protests after they became violent, injuring some persons (see Section 2.b.). On August 19 in Nairobi, there were several violent incidents between progovernment supporters, opposition supporters, and the police.

When progovernment supporters broke up an opposition rally organized by Member of Parliament (M.P.) James Orengo (see Section 2.b.), police intervened, used tear gas, and beat and kicked participants. Police allegedly beat Sammy Mwangi who died from severe head wounds, and injured dozens of persons. Television cameras also broadcast footage of 30 to 40 men outside Parliament searching vehicles, smashing windshields, and attacking an opposition M.P. in view of armed police who did not intervene. One M.P. claimed that he recognized three off-duty policemen in the group present at the Parliament. Rally organizers accused the Government of complicity in the violence. On September 11, antiriot police responded to a wildcat strike by several hundred guard service employees by firing tear gas at the striking guards after they began burning vehicles and attacking passers-by; several persons were injured (see Section 6.a.). On December 13, police forcibly disrupted a meeting held by Kipruto Kirwa, a dissident KANU M.P. (see Section 2.b.). Police fired several shots into the crowd while chasing several persons from the meeting through the village; one person was injured.

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries (see Section 2.b.). On June 12, police forcibly dispersed approximately 200 students who commandeered 2 university buses and attacked the offices of the Nation newspaper. Police did not intervene initially; however, they did so after the students began to set fire to a building. Police arrested at least 21 persons (see Section 1.d.); several persons were injured during the incident.

There were several violent incidents during the elections to the Kenya Tea Development Authority's Board of Directors (the cooperative which represents the country's 45 tea factories). On June 20, in Gatundu North Province, during fighting between police and farmers boycotting the elections at the Mataara tea center, police shot and killed two farmers and injured several others (see Section 1.a.). Later that evening, armed farmers in Mataara killed a local policeman and seriously injured several other police officers apparently in retaliation. On June 21, during fighting between farmers and police in Guchu District, police shot three farmers and dozens of others were injured.

On June 21, 94 M.P.'s released a report entitled "The Politicization and Misuse of the Kenya Police and the Administration Police Force," which criticized the police for misuse of force and human rights abuses. On June 22, President Moi ordered police to stop using live ammunition when quelling riots. It was unclear if Moi's pronouncement had any effect on police behavior by year's end.

During the year, the Government investigated some allegations of police use of excessive force and torture, and prosecuted several police officers. According to the Government, two police officers were charged and sentenced during the year, and the Government recorded only two reported cases of torture during that same period. In May authorities disbanded a special squad of 30 police officers attached to the CID because they allegedly were involved in numerous robberies, carjackings, and killings. There were no reports that members of the squad, reportedly code-named Alfa Romeo, were prosecuted by year's end due to lack of evidence against them.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The September case of Geoffrey Mbuthia Nduati, who allegedly was attacked by dogs in police custody; the May case of residents of Balessa and El Hadi, who were beaten or tortured by security forces; the April case of Duncan Ndwega, a CID officer, who was tortured by the Flying Squad; the April case of M.P. James Orengo, who police beat and arrested while he spoke publicly in Nyanza province; the February case of Peter Macendu who was whipped and beaten unconscious by policemen in Kerugoya; the January case in which police beat a crowd protesting the results of the National Assembly by-election in Eastern Province; the January case of Jeremiah Kasuku, who was assaulted and detained illegally in Keiyani; the case of Julius Muhoro Mugo, who was tortured by CID officers; and the case of Johnnes Musyoka Kimonyi, who was beaten by police in Buru Buru.

Marches and symposiums marked the beginning of the U.N. International Week in Support of Victims of Torture on June 22, which generated much discussion of torture in the press. One daily newspaper, *The People*, ran a series of articles on torture, featuring anecdotes, discussion of laws, and statistics. On June 23, a group of human rights organizations led by People Against Torture marched in Nairobi to mark the week. On June 26, more than 2,000 persons gathered at a Mau Mau massacre site in Nyeri for masses to commemorate Mau Mau war victims and other victims of torture. On June 26, in Nairobi, Attorney General Wako was the keynote speaker at a symposium on torture organized by human rights groups.

Caning continued to be used as punishment in cases such as rape (see Section 5).

Acts of violence, including rape, banditry, and shootings, occur regularly near refugee camps (see Sections 2.d. and 5).

There were several violent incidents between progovernment supporters and opposition supporters during the year, namely during opposition rallies (see Section 2.b.). For example, during incidents from January 13 to 15, supporters of National Development Party (NDP) Raila Odinga reportedly beat and whipped several persons with whips and batons, resulting in numerous injuries. On November 26 in Kisumu, progovernment youths forcibly disrupted a meeting of the Ufungamano commission, a church-led constitutional review commission (see Sections 2.b., 2.c., and 3). The youths threw Molotov cocktails, burned a vehicle, and beat severely several persons.

On November 30 and December 1, Muslim worshippers and local traders fought over land surrounding a mosque in a residential neighborhood in Nairobi, resulting in the deaths of four persons and numerous injuries (see Sections 1.a. and 2.c.).

Prison conditions are harsh and life threatening, due both to a lack of resources and to the Government's unwillingness to address deficiencies in the penal system. Prisoners are subjected to severe overcrowding, inadequate water, poor diet, substandard bedding, and deficient health care. Police and prison guards subject prisoners to torture and inhuman treatment (see Section 1.a.). Rape of both male and female inmates, primarily by fellow inmates, is a serious problem, as is the increasing incidence of HIV/AIDS. Disease is widespread in prisons, and the death rate is high. Prisons do not have resident doctors, and only one prison had a doctor permanently assigned, although the position was vacant during the year. Prisoners sometimes are kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees frequently are denied the right to contact relatives or lawyers (see Section 1.e.).

The country's prisons reportedly hold 2 to 3 times their estimated combined capacity of 15,000 inmates. The average daily population of prison inmates was 41,010, 33 percent of which was pretrial detainees. While the prison population increased steadily over the last several years, prison facilities have not. The Government has built only two detention centers since the country became independent in 1963; according to the Government, there are 79 prison facilities. Overcrowding led to health related problems arising from the sharing of amenities, encouraged the spread of infectious diseases, and resulted in food and water shortages. According to the Government, 658 prisoners died in jails during the first 10 months of the year, compared with 196 in the first 9 months of 1999, due chiefly to tuberculosis, dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS, for which there is little access to health care and medicine.

Men, women, and children officially are kept in separate cells, and unlike in the previous year, there were no reports that men and women were placed in the same cells. Women sometimes lack access to sanitary napkins and often have only one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently are kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers are understaffed, and inmates have minimal social and exercise time. Some young inmates remain for years in the centers, as their cases await resolution.

By most accounts, prisoners receive three meals per day; however, there have been reports of food shortages, and reports that senior prison officers misappropriated the meat provided for prisoners. On June 10 and 11, inmates at Rumuruti GK Prison in Laikipia District rioted over a food shortage, which resulted in the death of one prisoner and injuries to dozens of others (see Section 1.a.). A week later at Rumuruti GK prison, according to several media reports, three prisoners died from hunger while working at the institution's farm. Prison officials denied these allegations. During a September 1999 visit by the U.N. Special Rapporteur for Torture, Nigel Rodley, prison authorities at Nakuru GK Prison confirmed that inmates on remand received half the ration of food provided to regular prisoners, because they did not work.

Nearly all prisoners serving more than 6 months in prison work in the prison industries and farms. Men work in printing services, car repair, tailoring, metal work, and leather and upholstery work. Women are taught sewing, knitting, dressmaking, rug making, basket weaving, jewelry making, and other crafts. Outdated laws mandate prisoners' earnings at \$0.35 to \$0.70 per year (10 to 20 Kenyan cents per day). Prisoners on good conduct can, with permission, work beyond the 8-hour day to produce goods, from which they earn two-thirds of the profits. Prisons are unable to invest these sizable profits in the prisons because income generated from the sale of prison products is sent directly into the Government Consolidated Fund. Some

observers allege that prison officials use the free prison labor for personal profit; however, many inmates leave prison with a valid trade certificate.

Responding to public allegations of unacceptable detention conditions, in January the Government sent a fact-finding team to Kodiaga Prison, which found that prison conditions were acceptable. On January 30, Commissioner of Prisons Edward Lokopoyit dismissed allegations of widespread torture in prisons; however, press reports continue to highlight the substandard conditions in the prisons. On September 19, the Attorney General said publicly that some prisons were "unfit for humans." The following day, the Nyeri District Commissioner decried poor prison conditions countrywide.

The courts are responsible partly for overcrowding, as the backlog of cases in the penal system continues to fill the remand sections of prisons (see Section 1.e.). Many detainees spend more than 3 years in prison before their trials are completed, often because they cannot afford even the lowest bail. Very few can afford attorneys.

The Government does not permit consistent independent monitoring of prison conditions. In general the Government does not permit domestic NGO's to visit prisons; however, some independent NGO's work with the Government in evaluating torture cases and performing autopsies on deceased prisoners. In July foreign diplomatic officials visited Kimiti Maximum Security Prison and Langata Women's Prison. In March the U.N. Special Rapporteur for Torture Nigel Rodley released a report on his visits to several prisons in 1999. Rodley noted the problems of limited access by observers, poor sanitation and health care, and overcrowding.

d. Arbitrary Arrest, Detention, or Exile.—Despite constitutional protections, police continued to arrest and detain citizens arbitrarily. The Constitution provides that persons arrested or detained shall be brought before a court within 24 hours in non-capital offenses and within 14 days in capital cases. The Penal Code specifically excludes weekends and holidays from this 14-day period. The law does not stipulate the period within which the trial of a charged suspect must begin. Indicted suspects often are held for months or years before being brought to court. For example, Michael Owour, on remand at Kamiti Prison and charged by the Kiambu Court with a violent robbery, allegedly had been awaiting trial for 4 years. The Government has acknowledged cases in which persons have been held in pretrial detention for several years. Police from the arresting location are responsible for serving court summons and for picking up remandees from the prison each time the courts hear their cases. Police often fail to show up or lack the means to transport the remandees, who then must await the next hearing of their case. For example, in the case of six army officers who pursued charges of torture against members of the 66th Artillery Battalion, the courts later criticized Police Commissioner Philemon Abong'o for failing to serve the accused army officials with the court summons; the case was ongoing at year's end (see Section 1.c.).

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often is not honored. Family members and attorneys may visit prisoners only at the discretion of the Government. This privilege often is denied. For those who have been charged, it often is possible to be released on bail with a bond or other assurance of the suspect's return.

In the early part of the year, the Government instituted the Community Service Order (CSO), a program whereby petty offenders perform community service rather than serve a custodial sentence. According to the Home Affairs Permanent Secretary, the Government has spent \$250,000 (20 million shillings) on the CSO and is committed to providing \$500,000 (40 million shillings) more in the next fiscal year. There are 11,000 petty offenders participating in the program currently. The program may help alleviate overcrowding; however, there was no indication of any change by year's end.

Citizens frequently accuse police officers of soliciting bribes during searches or falsely arresting individuals to extract bribes (see Section 1.f.). The police continued repeatedly to conduct massive searches ("sweeps") for illegal immigrants and firearms (see Sections 1.f. and 2.d.). The KHRC recorded 1,950 arrests during sweeps throughout the year.

Police arrested members of civil society groups and charged them with participating in illegal gatherings (see Section 1.c.). On January 17, President Moi ordered Police Commissioner Philemon Abong'o to arrest those responsible for violent protests against the Parliament-led constitutional review process, namely those protests from January 13 to 15 that resulted in numerous injuries (see Sections 1.c. and 2.b.). On January 18, police arrested M.P. James Orenge on charges that he incited violence regarding the Parliament-led constitutional review process. He was released on bail and a hearing was scheduled for March 27 and 28; this case and several others against Orenge were pending at year's end. On March 30, police in Nakuru arrested and detained 11 activists who were participating in a public gath-

ering to discuss land grievances among the minority Ogiek community (see Section 2.b.). KHRC employees Lumbumba Ondeda, Vincent Musebe, and James Nduko and nine Commission and Citizens Coalition for Constitutional Change (4C's) members were detained in prison for several days awaiting sentencing for holding an illegal gathering. Human rights organizations viewed the arrests as a veiled effort by the Government to prevent civic education exercises throughout the country. The Attorney General subsequently dropped the charges. On April 3, police in Laikipia, allegedly on orders from District Officer Njeru, dispersed a Greenbelt Movement civic education gathering (see Sections 2.a. and 2.b.), and arrested Joseph Kirangathi Njoroge, Esther Wamucii, John Gitonga, and Mwangi Gachie Kamau. The four were charged with assembling in a manner likely to cause a breach of peace, but were released on bail pending trial at year's end. On April 13, police in Nairobi arrested and detained for several days 63 demonstrators, including 6 nuns and 5 clergymen during a march to present a petition to the World Bank offices in Nairobi (see Section 2.b.). The Attorney General later dropped the charges because the police had no case against the demonstrators.

Student protests and riots occurred frequently during the year, and police arrested numerous students responsible for violence during the incidents (see Sections 1.c., 2.a., and 2.b.).

On December 9, police in the Western Province dispersed a Mageuzi rally, arrested and detained several journalists, and injured six persons (see Sections 1.c., 2.a., 2.b., and 3).

In April police arrested and beat Mohammed Sheikh, a journalist for the People, who had been arrested in 1999 for writing "alarming" articles. He was released on bail and his case was pending at year's end. In April police arrested and briefly detained Maneno Mwikwabe, the editor of *The Dispatch*; he was not charged. Mwikwabe had been arrested in 1998 for writing "alarming" articles, but was released without charge.

On July 30, police in Nyeri arrested 10 Mungiki members, reportedly injuring some of them (see Sections 1.c. and 2.c.); the Mungiki were charged with illegal assembly.

During the year, police arrested a number of journalists on charges of publishing information "likely to cause alarm to the public" (see Section 2.a.).

On February 15, Johan Wandetto, a journalist for the People, who was arrested in February 1999, received an 18-month jail sentence for writing a report that "risked causing alarm."

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is often corrupt and subject to executive branch influence. The President has extensive powers over appointments, including those of the Attorney General, the Chief Justice, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special presidentially appointed tribunal. Although judges have life tenure (except for the very few foreign judges who are hired by contract), the President has extensive authority over transfers.

The court system consists of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Chief Justice is a member of both the Court of Appeals and the High Court, which undercuts the principle of judicial review. Military personnel are tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appoints attorneys for military personnel on a case-by-case basis.

There were some indications of executive interference in the judiciary. Several cases involving opposition M.P.'s have been pending for years, with the courts repeatedly postponing the hearings, thereby requiring the M.P.'s to appear periodically in court or risk fines or imprisonment. On October 9, a Homa Bay court sentenced M.P. Shem Ochuodho to over 3 years in prison for a violent assault on a political rival during the 1997 election. While violence may have occurred, observers believe the court may have applied the law inequitably—no KANU M.P.'s were similarly charged despite credible allegations of violence on their part during campaigning. There were a number of protests against Ochuodho's conviction. On October 19, High Court Justice Barbara Tanui overturned the conviction, ordered a new trial, and released Ochuodho. Police immediately rearrested Ochuodho, took a statement regarding the case, and then released him on bail.

Judges who ruled against the Government in the past sometimes were punished with transfer or nonrenewal of contracts; however, during the year no retaliatory action against justices was reported. Judges occasionally demonstrated independence.

The Attorney General's constitutional power to discontinue proceedings in private prosecution cases was a problem. Arguing that citizens must first notify his office

before initiating private prosecution, Attorney General Amos Wako used this authority on a number of occasions to terminate cases against government officials.

In the previous year, the judiciary faced many accusations of corruption. In 1998 the Chief Justice appointed a special judiciary commission chaired by Justice Richard Kwach to report on the problems of the judiciary. The Kwach Commission cited "corruption, incompetence, neglect of duty, theft, drunkenness, lateness, sexual harassment, and racketeering" as common problems in the judiciary. The Commission recommended amending the Constitution to allow for the removal of incompetent judges, introducing a code of ethics, improving the independence of the judiciary, overhauling the Judicial Services Commission (the administrative branch of the judiciary), and shifting prosecutorial responsibilities from the police to the judiciary. Upon receipt of the report, the Chief Justice in late 1998 appointed another commission to investigate modalities of implementing the Kwach Commission's recommendations for improving the judiciary. No action was taken on those recommendations by year's end; however, the Judicial Services Commission circulated proposals for a judicial code of conduct in the first half of the year.

There are no customary or traditional courts in the country. However, the national courts use the customary law of an ethnic group as a guide in civil matters so long as it does not conflict with statutory law. This is done most often in cases that involve marriage, death, and inheritance issues and in which there is an original contract founded in customary law. For example, if a couple married under national law, then their divorce is adjudicated under national law, but if they married under customary law, then their divorce is adjudicated under customary law. Citizens may choose between national and customary law when they enter into marriage or other contracts; thereafter, however, the courts determine which kind of law governs the enforcement of the contract. Some women's organizations seek to eliminate customary law because they feel it is biased in favor of men (see Section 5).

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and for defendants to have the right to attend their trial, to confront witnesses, and to present witnesses and evidence. Civilians also can appeal a verdict to the High Court and ultimately to the Court of Appeals. Judges hear all cases. In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors are taken from all walks of life and receive a sitting allowance for the case. Although the assessors render a verdict, their judgment is not binding. Lawyers can object to the appointments of specific assessors.

Defendants do not have the right to government-provided legal counsel, except in capital cases. For lesser charges, free legal aid is not usually available outside Nairobi or other major cities. As a result, poor persons may be convicted for lack of an articulate defense. Although defendants have access to an attorney in advance of trial, defense lawyers do not always have access to government-held evidence. The Government can plead the State Security Secrets Clause as a basis for withholding evidence, and local officials sometimes classify documents to hide guilt. Court fees for filing and hearing cases are high for ordinary citizens. The daily rate of at least \$25 (2,000 shillings) for arguing a case before a judge is beyond the reach of most citizens.

Critics of the Government—politicians, journalists, lawyers, and students—have been harassed through abuse of the legal process. In a 1997 study of the judiciary, the International Bar Association found "a persistent and deliberate misuse of the legal system for the purpose of harassing opponents and critics of the Government." Authorities continued to arrest opposition M.P.'s, journalists, and student leaders during the year (see Sections 1.d. and 2.a.), and a number of opposition M.P.'s, student leaders, and human rights activists still had one or more court cases pending during the year, often for months or even years.

There were no reported political prisoners during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—At times authorities infringed on citizens' privacy rights. Although the Constitution provides that "no person shall be subjected to the search of his person or his property or the entry by others on his premises" it permits searches without warrants "to promote the public benefit." The Police Act permits police to enter a home forcibly if the time required to obtain a search warrant would "prejudice" their investigation. Although security officers generally obtain search warrants, they occasionally conduct searches without warrants to apprehend suspected criminals or to seize property believed to be stolen. Citizens frequently accuse police officers of soliciting bribes during searches or falsely arresting individuals to extract bribes (see Section 1.d.). Unlike in the previous year, there were no reports that Nairobi police searched offices of the media without warrants.

The police continued repeatedly to conduct massive warrantless searches ("sweeps") for illegal immigrants and firearms in residential neighborhoods of major cities (see Section 2.d.). The KHRC recorded 1,950 arrests during sweeps throughout the year (see Section 1.d.). Residents complained that police who entered homes on the pretense of searching for weapons often asked for radio, television, and video receipts and permits and demanded bribes to refrain from confiscating those items in the absence of such documents. Unlike in the previous year, Nairobi police did not search the offices of tabloid publications and nongovernmental organizations (NGO's) without warrants.

Security forces monitored closely the activities of dissidents, following or otherwise harassing them. They employ various means of surveillance, including a network of informants to monitor the activities of opposition politicians and human rights advocates. Some opposition leaders, students, journalists, and others continued to report that the Government subjected them to surveillance and telephone wiretaps; however, there were no reports of interference with written correspondence during the year.

According to press reports, in early February, police in Meru burned 300 homes, displacing over 1,000 persons. The residents, chiefly squatters living in makeshift houses, had occupied the land for as long as 10 years. A local councilor and some of the displaced contended that the plots previously were misallocated public land.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the government broadly interprets several existing colonial era laws to restrict free expression. The Government continued to harass, beat, and arrest elements of the media during the year (see Sections 1.c. and 1.d.). The print media has been relatively independent for decades and since 1992 has multiplied and become more outspoken; there was significant liberalization of electronic media during the year, particularly radio, television, and the Internet. The developing regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. Police repeatedly dispersed demonstrators to prevent criticism of the Government (see Sections 1.c. and 2.b.). Some independent periodicals reported that the business community came under pressure from the Government to refrain from advertising in these magazines, which kept some on the edge of insolvency. In spite of these pressures, the press, civic organizations, and the opposition continued to present their views to the public, particularly in the print media. Government pressure led journalists to practice some self-censorship.

On the whole, the print media remained candid and independent. The mainstream print media include four daily newspapers that report on national politics. The largest newspaper, the *Nation*, is independent and often publishes articles critical of government policies. The second largest newspaper, the *East African Standard*, is controlled by an investment group with close ties to the Government and the ruling KANU party. It is generally, although not automatically, supportive of the Government. The third daily newspaper, *The People*, formerly a weekly, is owned by an opposition politician and is highly critical of the Government. The fourth daily, the *Kenya Times*, which has a small circulation, reflects KANU party views. Two former weekly newspapers, *The Post* and the *Kenyan Star*, did not publish regularly during the year. There also are numerous independent tabloid or "gutter" periodicals, which appear irregularly and are critical highly of the Government. Reporting in these tabloids ran the gamut from revealing insider reports to unsubstantiated rumor mongering.

The Government attempted to intimidate the pro-opposition press with arrests and intimidation, and by selective prosecution of journalists under a colonial-era section of the Penal Code that criminalizes the publication of information likely to cause fear or alarm. On February 15, Johan Wandetto, a journalist for *The People*, who was arrested in February 1999, received an 18-month prison sentence for writing a report that "risked causing alarm." His story alleged that bandits held up the presidential escort. Wandetto appealed the case and was released on bond pending appeal. Aola Ooko, a correspondent for the *Agence France Presse*, was arrested following a March 9 article in which he fabricated allegations that police in Mombasa had stolen part of a 4.8-ton drug seizure (see Section 1.d.). Simbi Kisumba, Mombasa bureau chief for *The People*, was arrested and faced charges in early March also for publishing an article on seized drugs that allegedly were missing from the police station. In March two writers for the small publication, *Independent*, were arrested and later released after writing an uncomplimentary article about the

personal life of the Central Bank Governor (see Section 1.d.). On March 25, police from Eldama Ravine detained People reporter Elijah Kinyanjui Maina for several hours after he interviewed local residents about allegations that some of President Moi's livestock were stolen from his Kelelwet farm (see Section 1.d.). Police did not formally charge Maina. In April President Moi reportedly accused the Nation newspaper of unfairly attacking him and threatened to sue for slander and libel if necessary; however, no action was taken against the newspaper by year's end. In April police arrested and beat Mohammed Sheikh, a journalist for the People, who had been arrested in 1999 for writing "alarming" articles (see Sections 1.c. and 1.d.). He was released on bail and his case was pending at year's end. In April police arrested and briefly detained Maneno Mwikwabe, the editor of The Dispatch (see Section 1.d.); he was not charged. Mwikwabe had been arrested in 1998 for writing "alarming" articles, but was released without charge. On December 9, police in Western Province arrested and detained several journalists while forcibly dispersing a Mageuzi rally in Busia (see Sections 1.c., 1.d., 2.b., and 3). On December 30, in a widely publicized incident, police chased and beat Betty Dindi, a journalist for The Nation, who was covering a shareholders meeting, which had been banned by police, of Mbo-I-Kimati, a land-owning firm (see Sections 1.c. and 2.b.). The police officers reportedly threatened journalists covering the meeting for "inciting shareholders." Dindi escaped from the police, but later was rebuffed when she went to the police station to register a complaint. The KHRC, the Kenya Union of Journalists, and the Kenya chapter of the International Federation of Women Lawyers (FIDA) condemned the attack on Dindi.

Unlike in the previous year, there were no reports during the year that any publications were refused registration or forced to suspend publication due to government action.

The Government somewhat loosened its control over the electronic broadcast media in urban areas during the year—particularly over radio, the principal news medium for most citizens. There were 12 radio stations operating in Nairobi during the year, compared to 6 in Nairobi and 1 in Mombasa in 1999. The Government controls the Kenya Broadcasting Corporation (KBC), which operates the country's premier radio, broadcast television, and cable television networks, including Metro Television, which began broadcasting to the Nairobi area in September. KBC stations do not criticize the Government and give a large share of news time to government or KANU party functions and little coverage to opposition activities. The Kenya Television Network (KTN), which is owned by KANU supporters, airs news programs with more balanced political coverage. Stellavision is owned by KANU supporters and provides balanced coverage. KTN and Stellavision both began broadcasting in Mombasa during the year. Citizen Radio covers much of the central areas of the country, whereas Citizen TV broadcasts to the Nairobi area. Citizen Radio and TV news programs generally are objective. Family TV and Radio, a Christian broadcasting network, and Nation Television and Radio began broadcasting television and radio in the Nairobi metropolitan area in 1999. Nation Television began broadcasting in Mombasa in August, providing independent media coverage.

The Government continued to delay action on a large number of radio and television license applications throughout most of the year, reflecting the arbitrariness of the broadcast licensing process. The Ministry of Information, Transport, and Communication, continued to argue that it was waiting for the recommendations on media liberalization from the Attorney General's Task Force on Press Law. That Task Force made its initial report in December 1998; however, it still has several outstanding issues to resolve, including the manner of selection of the 13-member Media Commission, which would act as an independent body issuing broadcast licenses. In September the Government issued a permit to Voice of America (VOA) to broadcast locally and indicated that it would grant a frequency as soon as paperwork is completed; however, there was no progress on this during the year and VOA did not begin broadcasting by year's end. The Ministry for Information, Transport, and Communication has licensed a total of 12 television and 20 radio stations to date, although only 5 private television stations (KTN, Citizen, Family, Nation, and Stellavision) and 9 private radio stations (Citizen, Family, Sayare Rehema, Capital, Nation Radio, Kiss, Baraka, BBC Nairobi, and BBC Mombasa) fully are operational. In 1999 Nation Media Group received authorization for radio broadcasts in Nairobi, Mombasa, Kisumu, and Nakuru, and began radio and television transmission to Nairobi. Nation Media also sued the Government for permission to broadcast radio and television nationwide, but the case still was before the courts at year's end. In 1998 the Ministry approved radio and television broadcast licenses for a Muslim group and for a Christian group. In 1999 the Ministry of Information, Transport, and Communication licensed an Islamic radio station and three Catholic television stations. On May 26, the Supreme Council of Kenya Muslims (SUPKEM) began

test-running Iqra Radio Station, which provides information, educational programming, and entertainment for Muslim audiences in Nairobi. At year's end, the Catholic Church had been assigned regional broadcasting frequencies, but not national frequencies; its petition for national frequencies was not resolved by year's end.

In January the Communications Commission of Kenya (CCK) ordered the shutdown of Citizen Radio and Television, a new broadcast operation, for unpaid licensing fees and improper use of communications equipment. Citizen claimed that the shutdown, which only affected its operations outside Nairobi, was politically motivated. Citizen appealed the order in the courts and continued broadcasting in Nairobi; however, in March the court upheld the CCK's order and Citizen again appealed to the highest court, the Court of Appeal.

In April during a speech to Parliament, Julius Sunkuli, the Minister of State in the Office of the President, criticized ethnic vernacular radio stations as being tribal and a detriment to national unity (see Section 5). In August President Moi's request that the Attorney General draft a law to force radio stations to broadcast only in English or Kiswahili drew negative public reaction, which caused several Government officials to deny that the Government intended to ban vernacular broadcasting. No such law was implemented by year's end.

The KBC remained the only domestic source of current information for most persons outside the Nairobi area. This continued to limit severely the ability of opposition leaders and other critics of the government to communicate with the electorate.

During the 1997 election campaign the Electoral Commission directed that the KBC accord equal treatment to all political parties; however, this directive was not implemented fully. KBC coverage remained heavily biased in favor of KANU and President Moi. In addition the KBC's limited coverage of the opposition generally was negative, compared with uniformly positive coverage of KANU. Opposition politicians accused the Government of using similar tactics in the 1999 byelections.

Representatives of the international media remained free to operate, and approximately 120 foreign correspondents of nearly 100 media organizations report out of Nairobi.

The Government does not restrict access to the Internet. There were approximately 20 domestic Internet service providers, which generally are privately owned. Internet access was limited only by economic and infrastructural factors, and was fairly widespread in urban areas.

A total of 79 publications remained banned, including such works as "The Quotations of Chairman Mao Zedong" and Salmon Rushdie's "Satanic Verses." The 1997 reforms eliminated sedition as a ground for censorship of publications, and directed that a board be established to review existing, and future, publication bans. The Prohibited Publications Review Board was established in 1998.

Despite constitutional provisions for free speech, the Government and school administrators continued to limit academic freedom. There were six private universities and six universities owned, subsidized, and administered by the Government. Most post-secondary students attended Government-run institutions, due in part to their lower fees. President Moi, as chancellor of all state universities, appoints the vice chancellors, who managed the institutions under the supervision of the Ministry of Education. A number of student activists have been expelled from universities in recent years because of political activities, and most have been refused readmission. Students claim that the Government interferes in student elections to ensure sympathetic student leaders. Unlike in the previous year, there were no reports that government security forces followed student leaders.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts the right in practice. The Public Order Act, which the Government used for many years to control public gatherings and to restrict this right, was amended in 1997; the requirement that public meetings be licensed was replaced by the less restrictive requirement that organizers notify the local police in advance of planned public meetings. However, authorities continued repeatedly to disrupt public demonstrations about which organizers duly informed the police in advance; government officials claimed that the organizers lacked authorization to hold public gatherings, whereas there no longer appeared to be any basis in domestic law for requiring specific authorization. In August President Moi repeated his September 1999 statements that government officials should deny "permits" (for public demonstrations) to politicians who use public rallies to abuse other leaders; however, officials have legal authority to cancel planned public gatherings only if there are simultaneous meetings previously scheduled for the same venue, or if there are specific security threats. Cabinet Ministers Shariff Nassir and Francis Lotodo were quoted on several occasions during the year as threatening political opponents if they attended gatherings in the Ministers' con-

stituencies. Lower ranking officials from various political parties also made similar threats against opponents.

Police forcibly disrupted public assemblies, including some political protest demonstrations (see Section 1.c.). On February 28, police disrupted a public civic education play by a thea4fp antedrrrotepteseven msseersng a tila4fp antetwou-

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up roadblocks to prevent M.P.'s from attending a Mageuzi event in Busia, and police forcibly dispersed the rally; six persons were injured and several journalists were arrested and detained (see Sections 1.d. and 2.a.). On December 12, police used tear gas and batons to prevent a Mageuzi rally at the Kamukunji Grounds in Nairobi; several persons suffered minor injuries.

In early May, President Moi was quoted widely in the press calling for action against the Mungiki religious and political group and police disrupted several of the group's meetings during the year (see Section 1.c.). On February 26, police in Thika forcibly dispersed a rally held by the Alliance of Patriotic Youth, a young group with strong ties to members of the Mungiki group, because the group reportedly had not given 3 days notice of their intent to rally. Police used tear gas and truncheons to disperse the crowd, which resulted in several injuries (see Section 1.c.). On May 14, a few hundred Mungiki reportedly were praying at Ngomongo grounds in Nairobi when police broke up the meeting and arrested at least three Mungiki members. On May 21, police in Embu allegedly blocked a Mungiki recruitment meeting. On September 17, police in Nairobi disrupted a Mungiki prayer gathering and then fought with Mungiki members, slum dwellers, and street children; there were no reported injuries.

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries (see Section 1.c.).

There were several violent incidents between progovernment supporters and opposition supporters during the year. On January 13, supporters of National Development Party (NDP) Chairman Raila Odinga attacked opposition M.P.'s James Orenge and Shem Ochuodho during a march against the Parliament-led constitutional review process. Supporters of the Parliament process reportedly beat several persons with whips and batons (see Section 1.c.). On January 14 and 15, students loyal to Orenge again marched in Nairobi to protest against the Parliament-led constitutional review process. Fighting between the students and pro-KANU and supporters of the Parliament process resulted in numerous injuries (see Section 1.c.). On June 22, armed youths disrupted meetings of the National Convention Executive Council (NCEC) in Kisumu, reportedly injuring several NCEC delegates. The incidents did not gain national media attention until NCEC leaders blamed M.P. Raila Odinga, Chairman of the NDP, and the Provincial Administration for instigating the violence; Raila denied the accusations. On November 26, progovernment youths forcibly disrupted a meeting of the Ufungamano Initiative in Kisumu (see Sections 2.c. and 3). The youths threw Molotov cocktails, burned a vehicle, and beat severely several persons (see Section 1.c.). Police did not intervene.

The Government continued to use the Societies Act to restrict freedom of association. The act requires that every association be registered or exempted from registration by the Registrar of Societies. For years after opposition parties again were legalized in 1992, the Government refused to act on a number of political party registration applications. However, since the enactment of reform legislation in 1997, the Government has acted on some long-pending applications, increasing the number of registered political parties from 23 to 40. However, the Government continued to refuse to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK), which was involved in a number of violent confrontations with police in 1992 (see Sections 2.c. and 5). The United Democratic Movement political party has awaited registration since 1998, and continued to pursue its case in the courts; however, it still was not registered at year's end. In 1998 the Saba Saba Asili party postponed its petition for registration, because it believed that the Government would deny its application.

The Government continued to criticize publicly and to intimidate NGO's, many of which it accuses of being "subversive" and of working with the opposition to overthrow the Government. The Government NGO Coordination Board under the NGO Act registers NGO's. The Government used this structure to put pressure on the nongovernmental National NGO Council. In 1997 the Board directed the Council to compile a list of "political NGO's," presumably to carry out President Moi's threat to deregister all "political NGO's," but the Council refused. In March 1999, President Moi publicly stated that NGO's were trying to destabilize the country by channeling foreign funds to antigovernment student and labor organizations and using foreign funds to organize seditious mass protests. In April 1999, the Office of the President instructed all district governments to monitor NGO's within their districts with a view to ensuring that NGO's either advance government-approved objectives or cease to operate; however, NGO's did not report an increase in government monitoring during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, while groups gen-

erally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

The Government requires religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General. The Government allows traditional indigenous religious organizations to register, although many choose not to do so. Once registered, religious organizations enjoy tax-free status and clergy are not subject to duty on purchased goods. Religious organizations generally receive equal treatment from the Government; however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious group banned during the single party-era; however, with the arrival of a multiparty system in 1992, the Tent of the Living God has virtually disappeared.

Despite 1997 legal reforms and the subsequent registration of a large number of political parties, the Government refused to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK) on the grounds that the IPK had been involved in a number of violent confrontations with police in 1992, and because the party refused to drop the Islamic title from its party name.

On April 3, William Ruto, Assistant Minister in the Office of the President, said following the discovery of "cult" killings in Uganda that the Government would crack down on religious groups that endanger the safety of their adherents; however, other than the Mungiki, there was no reported harassment of religious groups.

On June 25, local authorities in Nairobi blocked entry to the Buru Buru Church of God ostensibly to prevent renewed fighting between rival factions in the Church, which had resulted in numerous injuries among worshipers 2 weeks earlier. The Church remained closed at year's end.

Foreign missionary groups of nearly every faith operate in the country. The Government generally has permitted them to assist the poor and found of schools and hospitals. The missionaries openly promote their religious beliefs and have encountered little resistance; however, some missionary groups expressed concern following the 1999 release of the report of the Presidential Commission of Inquiry into Devil Worship. The Commission's widely-publicized report included numerous reports of ritual murder, human sacrifice, and cannibalism, and feats of magic allegedly done by using powers acquired through such acts. It also reported that "Satanists" had infiltrated nonindigenous religious groups including Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (Mormons), and the Church of Christ Scientist (Christian Scientists), as well as other organizations, including the Masonic Order (Freemasons) and the Theosophical Society, making them "doorways" to Satanism. Most members of the Commission were senior members of mainline Christian churches; a deputy director of the Criminal Investigations Department (CID) also served on the Commission. Fears of devil worship persisted during the year. In September police in Nairobi reportedly alerted residents to a growing number of ritual murders after a 7-year-old girl was found murdered. A woman was arrested a week earlier for allegedly abducting a child.

Purporting to practice witchcraft reportedly is a criminal offense under colonial-era laws; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of which the causes were unknown. Although many traditional indigenous religions include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. The practice of witchcraft is widely understood to encompass attempts to harm others not only by magic, but also by covert means of established efficacy such as poisons.

Muslim leaders continued to charge that the Government is hostile toward Muslims. Muslims complain that non-Muslims receive better treatment when applying for proof of citizenship. According to Muslim leaders, government authorities more rigorously scrutinize the identification cards of persons with Muslim surnames and require them to present additional documentation of their citizenship (i.e., birth certificates of parents and, sometimes, grandparents). The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove that they are citizens. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening. Both cards also are required in order to apply for a passport. Although this heightened scrutiny originated as an attempt to deter illegal immigration, a senior official of the Supreme Council of Kenya Muslims alleged that it increasingly affects all Muslims.

The Government at times disrupted public meetings that religious groups organized or participated in, sometimes for political reasons. For example, on April 3,

police in Laikipia broke up a gathering in a Catholic church hall, on the grounds that the participants were former freedom fighters holding a secret meeting. The police arrested four men and charged them with holding an illegal meeting (see Sections 1.d. and 2.b.).

The Government historically has been unsympathetic to tribal religious groups that have engendered protest movements. The Government frequently harassed, and periodically arrested and detained members of the Mungiki, a small, controversial, predominately Kikuyu traditional religious group with strong political motivations. The group originated as an offshoot of the Tent of the Living God religious group, and many of its leaders reportedly have converted to Islam. On at least one occasion, police fired upon members of the Mungiki while attempting to disrupt their prayer meeting. Members of the Mungiki most commonly are charged with holding illegal assemblies and possessing offensive weapons. Mutual mistrust between Mungiki and police authorities aggravated the situation, and in May President Moi was quoted widely in the press calling for a crackdown on the Mungiki. On April 23, a few hundred members of the Mungiki approached the Nyahururu police station to demand the release of three members of the group. Police responded with force, including the use of rubber bullets and live ammunition, injuring dozens of persons and sending eight persons to the hospital with gunshot wounds (see Section 1.c.). Police later removed two of the wounded from their hospital beds and detained them, an act that hospital authorities strongly criticized (see Section 1.d.). On May 14, police reportedly broke up a prayer gathering at Ngomongo grounds in Nairobi attended by a few hundred Mungiki and arrested at least three adherents (see Sections 1.d. and 2.b.). On May 21, police in Embu allegedly broke up a Mungiki recruitment meeting. On June 25, police shot and injured 5 members of the Mungiki and arrested 23 others while attempting to disrupt a prayer meeting (see Sections 1.c., 1.d., and 2.b.). The Mungiki members responded to the police attempts to disrupt their meeting by throwing stones at the police. On July 8, police in Nairobi fought with Mungiki members as they gathered for an impromptu meeting. On July 30, police in Nyeri arrested 10 Mungiki members for holding an illegal gathering, reportedly injuring some of them (see Section 1.d.). On September 17, police in Nairobi broke up a Mungiki prayer gathering (see Sections 1.c. and 2.b.), and then fought with Mungiki members, slum dwellers, and street children; there were no reported injuries. The debate over the rights of the Mungiki to practice their traditional religion and advance their political agenda is ongoing. The Mungiki group allegedly promotes female genital mutilation (FGM) and the taking of illegal oaths against the Government. It remains unclear whether the Mungiki violate the law in practicing their religion.

On August 13, 1999, police killed five Muslim worshipers in an altercation in the Anas Bin Malik mosque in Chai village, near Mombasa. The Government charged two police officers, Julius Mugambi M'Nabere and Stephan Musau Kilonzo, with murder. The case was pending before the court at year's end (see Section 1.a.).

On August 24, Father John Anthony Kaiser, a Catholic priest working in the country for over 30 years, was found dead near Naivasha town (see Section 1.a.). Father Kaiser was a vocal human rights activist and a critic of key members of the Government. The investigation was ongoing at year's end; there are no known suspects.

In December 1999, a group of Christian, Muslim, and Hindu leaders formed an alternative process to reform the Constitution, the Ufungamano Initiative, which opposes the Parliament-led process (see Section 3). The Government, although critical of the Ufungamano group, permitted it to proceed with its constitutional review process. However, a Minister in the Office of the President, Shariff Nassir, and other ruling party politicians, warned of possible confrontation if the Ufungamano Commission attempted to collect citizen views in their constituencies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—By law citizens may travel freely within the country and there were no reported violations of this right. However, police routinely stop vehicles and check vehicles' safety and drivers' documents on roads throughout the country. Many vehicles often are in disrepair, and many drivers often lack required documentation. Police often demand bribes at such checkpoints.

The Government does not restrict emigration or foreign travel; however, the law requires a woman to obtain her husband's or father's permission in order to obtain a passport (see Section 5). However, in practice, adult women often are able to circumvent this restriction by claiming to be unmarried. Civil servants and M.P.'s must get government permission for international travel, which generally is granted routinely; however, during several legislative periods during the year, the Government denied permission to some government Ministers to travel because the Ministers were in session.

In November the Government deported approximately 100 Ugandans who were attending a conference in Nairobi, because of fears of contagion due to the Ebola outbreak in Uganda.

The majority of an estimated 400,000 persons displaced or forced to relocate during the early 1990's because of ethnic violence are believed to have returned to their homes or moved elsewhere; however, some still were waiting to return home at year's end. Many of the rural residents displaced by the violent ethnic clashes in Rift Valley in 1991-93 still have not returned to their homes and remain displaced in urban areas. Some of the several thousand persons displaced by ethnic clashes in Rift Valley in 1998, and in the Pokot-Marakwet region throughout 1999, have not returned to their homes due to fear of renewed violence (see Section 5).

In December the Government permitted the return of approximately 4,500 Kenyan refugees from Ethiopia pursuant to an agreement with the UNHCR and Ethiopian Government. Government officials had refused to allow their return in November 1999, ostensibly because of concerns over the possible effect of their return on ethnic tensions in their areas of origin.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in 1991 the Government drafted legislation to establish a mechanism for granting refugee or asylum status. During the year, the drafting committee submitted the legislation to the Attorney General's office for review; however, no further action was taken by year's end. The UNHCR grants refugee status to Somali refugees at the Dadaab camps and to Sudanese refugees arriving at the Kakuma camp. A UNHCR eligibility committee in Nairobi performs a similar function for individuals of other nationalities.

The Government offers first asylum and provided it to the approximately 200,000 refugees registered by the U.N. High Commissioner for Refugees (UNHCR), who lived in official UNHCR camps. An undetermined number of refugees live outside the camps in cities and rural areas. Somalis accounted for about 80 percent of the total refugee population, followed by large numbers of Sudanese and a scattered number of other nationalities from across the region. Approximately 2,000 refugees, mostly of Somali and Ethiopian background, were repatriated during the year. Police performed nighttime sweeps in urban areas to round up illegal immigrants and refugees (see Section 1.d.).

During the period between 1997 and 1999, the UNHCR, at the direction of the Government, closed 5 refugee camps near the coastal city of Mombasa and relocated over 7,000 refugees against their wishes to camps near the Somali and Sudanese borders. The Government requires all refugees to reside at these camps unless granted permission to live elsewhere in the country, primarily to attend higher education, undergo medical treatment, or avoid security threats at the camps. However, many refugees live illegally outside the camps, especially in Nairobi.

The border with Somalia remained officially closed until April 12; however, many Somalis continued to arrive overland from Somalia to the camps near Dadaab during the closure.

There were numerous incidents during the year in which persons were killed during interethnic disputes; some of which crossed the country's border (see Section 5).

Incidents of rape of women and girls in refugee camps continued to occur, especially near the Dadaab camps (see Sections 1.c. and 5). Over 80 percent of such rapes occurred when women and girls collected firewood and building materials outside the camps; however, reported rapes declined during the year, largely because of a firewood distribution program initiated at the Dadaab camps. On April 3, a court in Garissa convicted and sentenced a man to two concurrent 30-year prison terms for raping two refugee women near the Dadaab camp (see Section 1.c.).

Acts of violence, including banditry and shootings, occur regularly near the camps. In January, February, and April Somali refugees at the Kakuma camp burned over 400 of their shelters, reportedly to attract attention to their demands for resettlement and to claim food ration cards allegedly lost in the fires.

There were no reports of the forced expulsion from the country of persons with a valid claim to refugee status.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government through free and fair multiparty elections; however, their ability to do so has not yet been demonstrated fully. The National Assembly continued to be dominated by the same ruling party. The December 1997 general elections, despite numerous logistical and other flaws, generally reflected the will of the electorate. They were marked by much less violence and intimidation, less fraud, and less overt use of

government resources to assist KANU candidates, than the 1992 polls. Due to greater fragmentation, the opposition was perceived widely to pose less of a challenge to Moi's reelection than it had in 1992. Opposition candidates won 60 percent of the vote, but these votes were split among four main and several fringe parties, thereby enabling Moi to win reelection for another 15-year term and giving KANU a narrow majority in the unicameral National Assembly. KANU victories in 1998 and 1999 by-elections (four caused by the deaths of sitting opposition M.P.'s and one by a defection to KANU) increased KANU's majority in the National Assembly to 118 of 222 seats. The High Court required one by-election by overturning a 1997 opposition victory; the court continued not to take action on any opposition challenges to KANU victories in 1997.

At the local level, the President exercises sweeping power over the administrative structure. The President appoints both the powerful provincial and district commissioners and a multitude of district and village officials. In elections many local officials actively assist the ruling KANU. Unlike in previous by-elections in 1998 and 1999, there were no allegations of partisan electoral abuses by local officials during the one by-election in April in the Kwanza constituency, Rift Valley.

At the national level, the Constitution authorizes the President to dissolve the legislature and prohibits debate on issues under consideration by the courts. This prohibition, in conjunction with a ruling by the Speaker of the Assembly that the President's conduct is inappropriate for parliamentary debate, has limited the scope of deliberation on controversial political issues. M.P.'s are entitled to introduce legislation, but in practice it is the Attorney General who does so. The President significantly influences the legislative agenda. However, in November 1999, the National Assembly amended the Constitution to give the National Assembly the power to hire its own staff and to vote its own budget, despite President Moi's long-expressed opposition to this amendment. On November 28, the National Assembly passed implementing legislation, which was being implemented at year's end.

The Government continued to use both physical beatings and arbitrary arrest and prosecution to harass and intimidate opposition M.P.'s and to restrict their freedom of speech and assembly (see Sections 1.c., 1.d., 1.e., and 2.b.). The Government's domination of domestic broadcast media, especially outside major urban centers, continued to restrict severely the ability of opposition politicians to communicate with citizens (see Section 2.a.).

On December 28, President Moi, acting as chairman of KANU, suspended six M.P.'s for dissent, including Jimmy Angwenyi, Kipkalya Kones, Anthony Kimeto, Cyrus Jirongo, and former Finance Minister Simeon Nyachae. The suspension prevents the M.P.'s from bringing any motions sponsored by their party to Parliament; however, they could still submit motions on their own and participate in all Parliament activities.

Reforms adopted in 1997 ameliorated the lack of independence of the presidentially appointed Electoral Commission, which oversees elections, by nearly doubling its size to include members nominated by the opposition. One parliamentary byelection was held during the year on April 15, in the Kwanza constituency, Rift Valley. FORDKenya kept their seat in the by-election. While there was some violence in the period prior to the election, the election was held without incident.

Since 1996 a broad coalition of NGO's and religious organizations has mobilized public opinion in support of a reform of the Constitution to reduce the power of the presidency. In 1997 the National Assembly enacted the Constitution of Kenya Review Act, which was amended in 1998 to create a constitutional review commission to recommend changes in the Constitution. In 1999 the constitutional reform process stalled, when political parties were unable to agree how seats on the commission should be divided among the parties. Although demands by religious leaders and NGO's to restart the stalled constitutional reform process continued in 1999, Moi continued to insist that only the National Assembly was competent to review the Constitution. In December 1999, the National Assembly created a Parliamentary Select Committee to revise the existing act and form a review commission; the Ufungamano Initiative, a church-led group, formed the next day, creating a parallel process. The Parliament created a separate review commission in November, which also did not complete its review by year's end. In the latter half of the year, the Government and police harassed and disrupted meetings of the Muungano wa Mageuzi (Movement for Change), an organization backed by a coalition of both opposition and dissident KANU M.P.'s that promotes opposition unity to achieve political and constitutional reform. It is not a political party. On December 8, President Moi ordered the police to ban all future rallies by the Mageuzi and to cancel any licenses that already had been issued. He also accused Mageuzi and the Ufungamano Initiative of planning to overthrow the Government (see Section 2.c.). On November 11, police in Eldoret used tear gas and batons to disperse Mageuzi demonstrators (see

Sections 1.c. and 2.b.). On December 9, police in the Western Province set up roadblocks to prevent M.P.'s from attending a Mageuzi event in Busia and forcibly dispersed the rally (see Sections 1.c., 1.d., 2.a., and 2.b.).

Elected local councils exist, but the executive branch of the central Government has arrogated most of the revenues and functions that they had at independence. Although rural and municipal councils are authorized by law to provide a wide range of health, education, and infrastructure services, in practice their functions have been reduced to some oversight of nursery schools, secondary and tertiary roads, markets, and natural resources such as forests. Most councils lack sufficient financial autonomy and revenues to perform adequately even these limited services.

Although there are no legal restrictions, traditional attitudes circumscribe the role of women in politics, and women are underrepresented in government and politics. The National Assembly included eight female M.P.'s (four elected and four nominated), up from seven in the last session. The Women's Political Caucus, formed in 1997, continued to lobby over issues of concern to women and to increase the influence of women on government policy. A bill was introduced in June to create a number of parliamentary seats reserved for women; however, no action was taken on the bill by year's end.

Although the President's Cabinet included persons from many ethnic groups, approximately one-third of the ministers were either Kalenjin or Luhya. At year's end, there were only two ministers from the country's largest ethnic group, the Kikuyu, and no minister from the third-largest ethnic group, the Luo; both the Kikuyus and the Luos tend to support opposition parties. However, in 1999 President Moi appointed a person affiliated with the Kikuyu ethnic group as Vice President. The President continued to rely on an inner circle of advisors, drawn largely from his Kalenjin ethnic group. There is one nominated M.P. who is of Asian origin.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The number of human rights organizations continued to grow. These include NGO's such as the KHRC, the Kenya Antirape Organization, the Legal Advice Center, the Catholic Justice and Peace Commission, the Protestant National Council of Churches of Kenya, the Center for Governance and Development, People Against Torture, the Independent Medico-Legal Unit (IMLU), and the Release Political Prisoners pressure group. An array of legal organizations, including the International Commission of Jurists-Kenya, FIDA, the Law Society of Kenya, and the Public Law Institute, advocate human rights.

Several NGO's maintain comprehensive files on human rights abuses. A number of attorneys represent the poor and human rights defendants without compensation, although they can handle only a small percentage of those who need assistance, and are concentrated chiefly in Nairobi and other large cities.

The President instructed government officials to monitor NGO's carefully, and government officials including the President continued to intimidate, and threaten to disrupt human rights organizations and other NGO's (see Section 2.b.). According to a 1999 KBC news report, President Moi said that he would reveal a list of names of subversive NGO's and their antisocial activities; however, the President did not release such a list during the year.

The Government allowed human rights organizations to witness some autopsies of persons who died in police custody. The Attorney General's Office generally responded in detail to foreign embassies' human rights inquiries.

The KHRC produces a "Quarterly Human Rights Report" (formerly the "Quarterly Repression Report") that catalogs the human rights situation in the country, as well as special reports on pressing human rights issues. During the year, it also published a report entitled "Damned and Debased: Women in Prison and Detention Centers in Kenya" (see Section 1.c.). The Institute for Education in Democracy and other NGO's monitor elections in cooperation with the Electoral Commission and diplomatic missions.

The 10-member Government Standing Committee on Human Rights (SCHR) established in 1996 is empowered to "investigate alleged violations of constitutional freedoms," including abuse of power by public officials. It is tasked with drafting recommendations on human rights problems and providing these to the government agencies under whose purview the problems fall. However, it is subordinate to the Office of the President, its chairman is a longstanding KANU loyalist, it has received sufficient funds to fill only 8 of its 27 authorized staff positions, and it has been relatively inactive. Since its inception, the Committee has maintained a low profile and kept its distance from most contentious human rights problems. The National Assembly was considering draft legislation, drafted by the Attorney General and the SCHR with the help of NGO's and civil society, that would grant the Com-

mittee greater autonomy and independence; however, the Assembly took no action on it by year's end.

In October 1998, the Parliament passed a resolution to create an Ombudsman's office that would be charged with addressing complaints about inefficiency, corruption, nepotism, and abuse of power by public servants; however, the Attorney General had not drafted a bill to turn the resolution into law by year's end.

In July the Government facilitated a fact-finding visit by foreign diplomatic personnel to visit the Kamiti Maximum Security Prison and Langata Women's Prison (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of a person's "race, tribe, place of origin or residence or other local connection, political opinions, color, or creed;" however, government authorities did not enforce effectively many of these provisions. There is credible evidence that the Government sponsored large-scale ethnic violence during the early 1990's, and there were some indications that some government officials have at least tolerated and in some instances instigated ethnic violence on a smaller scale since that time.

Women.—Violence against women is a serious and widespread problem. According to the Government, 165 cases of rape were reported to the police in Nairobi during the year, compared to 155 in 1999. The available statistics probably underreport the number of incidents, as social mores deter women from going outside their families or ethnic groups to report sexual abuse. A study by Kangemi Women Empowerment Centre, a small group based in one of Nairobi's largest low income communities, claimed that three out of five women in the community were victims of domestic violence, and that one-third of the women had suffered sexual abuse. The study noted that the abused women rarely reported the violations, because they believed that nothing would change. Although the validity of the study is unproven, the basic figures reflect other published figures and anecdotal evidence.

The law carries penalties of up to life imprisonment for rape, although actual sentences usually are no more than 10 years. The rate of prosecution remains low because of cultural inhibitions against publicly discussing sex, fear of retribution, disinclination of police to intervene in domestic disputes, and unavailability of doctors who otherwise might provide the necessary evidence for conviction. Moreover, wife beating is prevalent and largely condoned by much of society. Traditional culture permits a man to discipline his wife by physical means and is ambivalent about the seriousness of spousal rape. There is no law specifically prohibiting spousal rape. Throughout the year, the media continued to report on violence against women, including widespread spousal abuse.

There continued to be incidents of rape of refugee Somali women at the Dadaab refugee camps, where women were assaulted outside camp perimeters in the course of gathering firewood and occasionally within the camps themselves (see Section 2.d.). A 1999 KHRC report noted a yearly average of over 100 reported cases of rape among refugee women. The UNHCR initiated a program to distribute firewood to refugees, which reduced the incidence of rape outside the camps; however, such crimes remain a problem.

Since 1994 the Federation of Women Lawyers (FIDA) has collaborated with the police to stop domestic violence. Police typically view violence against women as a family matter, not a crime. FIDA has trained over 800 police officers about gender issues.

Women experience a wide range of discriminatory practices, limiting their political and economic rights and relegating them to second class citizenship. The Constitution extends equal protection of rights and freedoms to men and women, but only in 1997 was the Constitution amended to include a specific prohibition of discrimination on grounds of gender. However, constitutional provisions allow only males automatically to transmit citizenship to their children. The Government has not passed domestic enabling legislation to implement international conventions on women's rights; however, the Attorney General submitted to Parliament three bills that are designed to protect women's rights: The Domestic Violence (Family Protection) Bill; The National Commission on Gender and Development Bill; and The Children Bill. The Task Force on Laws Relating to Women, established by the Attorney General in 1993, has yet to make its report.

Women continue to face both legal and actual discrimination in other areas. For example, a married woman legally is required to obtain the consent of her husband before obtaining a national identity card or a passport.

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children; however, in practice most inheritance prob-

lems do not come before the courts. Women often are excluded from inheritance settlements, particularly if married, or given smaller shares than male claimants. Moreover, a widow cannot be the sole administrator of her husband's estate unless she has her children's consent. Most customary law disadvantages women, particularly in property rights and inheritance. For example, under the customary law of most ethnic groups, a woman cannot inherit land and must live on the land as a guest of male relatives by blood or marriage.

Women make up about 75 percent of the agricultural work force and have become active in urban small businesses. Nonetheless, the average monthly income of women is about two-thirds that of men, and women hold only about 5 percent of land titles. Women have difficulty moving into nontraditional fields, are promoted more slowly than men, and bear the brunt of layoffs. Societal discrimination is most apparent in rural areas.

The nation's best known women's rights and welfare organization, Maendeleo Ya Wanawake ("Development of Women" in Swahili) was established as a nonpolitical NGO during the colonial era, but is aligned closely with the ruling party. A growing number of women's organizations are active in the field of women's rights, including FIDA, the National Council of Women of Kenya, the National Commission on the Status of Women, the Education Center for Women in Democracy, and the League of Kenyan Women Voters.

Children.—The system of free education in the early years of the country's independence has given way to a "cost-sharing" education system in which students pay both tuition and other costs. These are a heavy burden on most families. Although the law mandates that schooling be available for all children up through grade 12 and that it be compulsory, there is a very high dropout rate in part because of large educational expenses. There are an estimated 4 million children between 6 and 14 years of age who are out of school. The legally mandated universal schooling also does not occur in practice because of a shortage of schools. Levels of education for boys and girls differ widely. Although the number of boys and girls in school is roughly equal at the primary level, boys substantially outnumber girls in higher education. Rural families are more reluctant to invest in educating girls than in educating boys, especially at the higher levels. Seventy percent of illiterate persons in the country are female. The health care system for school children, which once provided periodic medical checkups and free milk, is defunct. Corporal punishment of students, including caning, by teachers is widespread in schools.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by certain ethnic groups and remains widespread, particularly in rural areas. The press reported severe injuries to several girls from the practice of FGM. Health officials estimate that as much as 50 percent of women nationwide have suffered FGM. According to Maendeleo Ya Wanawake, the percentage is as high as 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces. FGM usually is performed at an early age. In September six women attacked Josephine Gacheri Mbaabu, an adolescent student, as she collected firewood, and attempted to circumcise her. She escaped without being circumcised; however, she was injured in the eye, ear, and neck. Mbaabu reportedly had undergone a less severe form of FGM, which was insufficient for the women. President Moi has issued two presidential decrees banning FGM, and the Government prohibits government-controlled hospitals and clinics from practicing it; however, no law bans FGM. In an attempt to end FGM, some members of the Marakwet and Maasai tribes instituted new "no cut" initiation rites for girls entering adulthood. According to statistics compiled by a group of NGO's in Marakwet, only 169 girls suffered FGM in December 1999, compared to 12,000 girls during the same month in the 4 previous years.

In December a magistrate in Rift Valley ruled in favor of Ednah Chebet Kandie and Beatrice Jepkosgei Kandie, two sisters who sued their father over his traditional right to force them to undergo FGM. The December 12 court order prevents Pius Kandie from forcing his daughters to undergo FGM.

Economic displacement and the spread of HIV/AIDS continued to fuel the problem of homeless street children. The number of Nairobi's street children is over 60,000, an estimated 20 percent increase from 1999. These children often are involved in theft, drug trafficking, assault, trespassing, and property damage. According to a 1997 Human Rights Watch report, street children face harassment as well as physical and sexual abuse from the police and within the juvenile justice system. They are held in extremely harsh conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies (see Section 1.c.). They often are incarcerated with adults and frequently beaten by police.

The problem of child rape and molestation continued to grow. There were frequent press reports of rape of young girls by middle-aged or older rapists. There were re-

peated reports of molestation or rape of children by schoolteachers, mostly in rural areas. Teachers at the Top Station Primary school in Kitale allegedly raped several students during the year. In a letter to the Minister of Education, FIDA demanded that the Government fire these teachers; however, no action had been taken at year's end. Legally, a man does not "rape" a girl under age 14 if he has sexual intercourse with her against her will; he commits the lesser offense of "defilement." The penalty for the felony of rape can be life imprisonment, while the penalty for defilement is up to 5 years' imprisonment. Men convicted of rape normally receive prison sentences of between 5 and 20 years, plus several strokes of the cane.

On June 9, the Nairobi Chief Magistrate ordered Julius Sunkuli, the Minister of State in the Office of the President, to appear before the court on June 23 to face rape charges brought by FIDA on behalf of Florence Nangini Mpayei, who claimed that Sunkuli raped her in his office in 1996 when she was 14 years old. Mpayei also alleged that she bore a child as a result of the rape. In September the court dropped the case at Mpayei's behest.

Child prostitution is a major problem in Nairobi and Mombasa, often connected with the tourist trade. Child prostitution has grown considerably due both to economic contraction and the increase in the number of orphans due to the spread of HIV/AIDS.

There were reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions (see Sections 1.a. and 2.c.). In September authorities in one part of Nairobi reportedly banned night worship temporarily after several young children were found dead in the area, allegedly victims of devil worship. In October several small riots ensued as residents attacked suspected child abductors and killed three suspects in the process (see Sections 1.a. and 2.c.). Similar incidents occurred in Mombasa and Nakuru where mobs attacked suspected child abductors. One man died when Nakuru police fired on a crowd that was attempting to lynch a suspect.

People with Disabilities.—Government policies do not discriminate officially against the disabled with regard to employment, education, or state services. However, disabled persons frequently are denied licenses to drive. There are no mandated provisions of accessibility for the disabled to public buildings or transportation. Kenya Television Network broadcasts some news programs in sign language.

Religious Minorities.—There generally is a great level of tolerance among religious groups; however, there were a few instances of violence between adherents of different religions, and Muslims increasingly perceive themselves to be treated as second-class citizens in a predominantly Christian country. Inter-marriage between members of Christian denominations is common and interfaith prayer services occur frequently. Inter-marriage between Muslims and Christians, although less frequent, is also socially acceptable, and mosques and Christian churches can be found on the same city blocks.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claims to have a larger number of adherents than is plausible, and some Muslim groups believe that the Government and business communities deliberately have impeded development in predominantly Muslim areas. Muslims also believe that the national business community, dominated by largely Christian ethnic groups from inland "up-country" areas including the Kikuyu, deliberately allocates to non-Muslims most of the jobs it creates in predominantly Muslim areas including the coastal area. The debate at times has undermined mutual trust. The misuse of authority by mainly Christian security forces in the northeast, which is largely Muslim and in which banditry is widespread, has long contributed to Muslim mistrust. In recent years, the absence of effective government in southern Somalia and the OLF insurgency in southern Ethiopia have strained Christian-Muslim relations further by causing the Government to increase security force presence and operations in the northeast, where many security force members may find it hard to distinguish Kenyan Muslims from ethnically and culturally similar members of Somali militias or the OLF (see Sections 1.a and 1.c.).

There were a few instances of violence between adherents of different religions. On April 21, a group of Muslims allegedly threw stones and attacked a group of Catholic worshipers who had stopped in front of the Majengo mosque in Nyeri to pray during a Good Friday ceremony. The Muslim worshipers were in the middle of their Friday prayers and believed that the Catholics were provoking them. A few of the Catholics received minor cuts and bruises. Top leaders of the two faiths met in Nyeri a few days later to reconcile their differences and apologize before the fight escalated. On April 23, Muslim youths in Kitui reportedly charged and dispersed a group of Christians who were making noise outside a mosque during evening prayers.

On November 30 and December 1, Muslim worshippers and local traders fought over land surrounding a mosque in a residential neighborhood in Nairobi, resulting in the deaths of four persons and numerous injuries (see Sections 1.a. and 1.c.). Although originally a land conflict, it may have become a religious conflict during the fighting when a mosque, a madrassa (learning center), a church, a nightclub, and kiosks were burned down. Riot police intervened to restore calm; however, there were no reported injuries caused by this intervention.

During the year, there were reports of ritual murders allegedly associated with aspects of traditional indigenous religions. The victims, generally believed to be teenaged children, reportedly were killed and parts of their bodies removed for use in traditional rituals by persons seeking renewed youth or health. The Report of the 1994 Presidential Commission of Inquiry into Devil Worship, presented to the Parliament in August 1999, contained similar reports from recent years.

Mob violence against persons suspected of practicing witchcraft resulted in dozens of deaths (see Section 1.a.). There were no statistics on the number of mob killings of suspected witches during the year; however, unsubstantiated accusations of the practice of witchcraft or satanism appeared increasingly common.

National/Racial/Ethnic Minorities.—The country's population of approximately 29 million was divided into more than 40 ethnic groups, among which there were frequent and credible allegations of discrimination, as well as sporadic interethnic violence. In general each ethnic group has a distinct primary language and is concentrated in a distinct region; however, the languages of some groups are very similar to the languages of related ethnic groups. In private business and in the public sector, members of virtually all ethnic groups commonly discriminated in favor of other members of the same group when able to do so. Neighborhoods in large cities tended to be segregated ethnically, although interethnic marriage has become fairly common in urban areas. Political cleavages tended to correlate with ethnic cleavages (see Section 3).

Unofficial results of the 1999 census indicated that the Kikuyu still constitute 21 percent of the population, and the Luhya were estimated to constitute 16 percent, the Kalenjin 12 percent, the Luo 11 percent, and the Kamba 10 percent of the population.

Ethnic-regional differences continue to pose obstacles to political and economic liberalization. Members of President Moi's Kalenjin ethnic group (a coalition of nine small ethnic groups) and other traditionally pastoral Nilotic ethnic groups are represented disproportionately and hold key positions in the Government, the ruling KANU party, the GSU, and the Presidential Escort. Many members of these groups appear to believe that economic and political liberalization would be likely to harm their groups, and to favor other groups. The Kikuyu and the closely related Kamba, Meru, and Embu groups make up more than a third of the country's population; members of these groups also dominate much of private commerce and industry and have tended to support opposition parties since they were legalized in 1992. The Kikuyu, the largest, best-educated, and most prosperous ethnic group, dominated the country under its first president, Jomo Kenyatta, a Kikuyu.

In April during a speech to Parliament, Julius Sunkuli, the Minister of State in the Office of the President, criticized ethnic vernacular radio stations as being tribal and a detriment to national unity (see Section 2.a.). In August President Moi also criticized and sought ineffectively to ban radio broadcasts in languages other than English or Kiswahili (see Section 2.a.).

In August 1999, a presidential Commission on Ethnic Clashes, a government-appointed panel of three judges formed in 1998, submitted to President Moi its report on the cause of ethnic clashes that occurred in the Rift Valley in 1992 and 1997, the Coast province in 1997, and the areas of Molo and Laikipia in 1998. Many of the hearings were public, and witnesses often directly accused local politicians of abetting the combatants, although they rarely provided other than hearsay evidence. However, key churches and NGO's claim that a number of witnesses were prevented from testifying, especially after, half way through the investigation, the Government changed the Commission's aggressive prosecutor John Nyagah Gacivih to the more progovernment Deputy Attorney General Bernard Chunga. The Government still had not released the report or announced that it was taking any formal action on its findings by year's end.

Attacks and revenge counterattacks continued between ethnic groups throughout the country, resulting in an average of 75 to 100 deaths per month (see Section 1.a.). Significant conflict occurred between ethnic Pokots and Marakwets, between Pokots and Turkanas, between Turkanas and Samburus, between Luos and Kisiis, between Boranas and Somalis, and among various Somali clans. Many factors contributed to these conflicts, including the proliferation of guns, the commercialization of traditional cattle rustling, the weakening of state authority, the emergence of local mili-

tia leaders, the development of a modern warrior/bandit culture (distinct from the traditional culture), irresponsible local political leadership, shrinking economic prospects for affected groups, a regional drought, and the inability or unwillingness of security forces to stem the violence. In April approximately 400 armed men attacked a Somali clan in Isiolo District; 20 to 40 persons reportedly were killed. In April an estimated 500 Pokot raiders attacked a Turkana village near Baragoi; 27 persons were killed during the fighting. In June Pokot gangsters raided a Marakwet village; 10 persons were killed and several others reportedly were missing following the fighting. During the week of June 27, five persons were killed when disputes resurfaced over the ownership of a plot of land along the common border between Gucha and Migori districts, Western Province. When a Luo man attempted to till the land, a group of Kisii men attacked and killed him. In response the Luo's kinsmen killed two of the suspects. A band of Kisii men then killed another Luo in his home in revenge. In July 30 persons were killed during fighting between two Somali clans in Wajir district. Violence also broke out during several periods between ethnic Somali and Boranas in the Isiolo area, resulting in numerous deaths.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land, and of favoring members of inland "up-country" ethnic groups, who migrated to the coast largely during the period when Kenyatta was president. On June 7, police in Molo prevented the KHRC from holding a civic education drive for the Ogiek community at Tinet Forest (see Section 2.b.). A spokesperson for the KHRC claimed the police deliberately prevented the visit in an attempt to deny the Ogiek their rights.

The Government has singled out the overwhelmingly-Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove that they are citizens. They must produce upon demand their national identification card and a second identification card verifying screening, which is a form of prior verification of citizenship through birth records of parents and sometime grandparents. Both cards also were required in order to apply for a passport. The continued presence of and at times criminal activities by Somali refugees has exacerbated the problems faced by citizens of Somali ethnicity (see Sections 2.c. and 2.d.).

There is widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constitutes between 0.5 and 1 percent of the total population and consists of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many African Kenyans resent persons of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also see Asians as taking jobs and commercial opportunities. The involvement of some Asians in corrupt activities with government officials further fuels popular resentment. Politicians, both opposition and ruling party, from time to time appeal to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens. Chenge Mbitiru, Democratic Party M.P. from Laikipia West, has called Asians "the greatest economic enemies" of the country and in early September, called for "Kenyans" to isolate "Asians" unless the government acts to constrain them. The M.P. reportedly said that President Moi should consider expelling Asians "or allow the Kenyan people to force them to leave through mass action."

Police conducted sweeps for illegal immigrants (see Sections 1.d., 1.f., and 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, except for central government civil servants, medical personnel, and university academic staff, are free to join unions of their choice. The Police Act prohibits members of the national police force from joining unions. In practice workers employed in export processing zone (EPZ) firms, as well as those who work in many small firms, face dismissal if they join unions. The law provides that as few as seven workers may establish a union, so long as the objectives of the union do not contravene the law, and that another union is not representing the employees in question already.

Unions must apply to and be granted registration by the Government. The Government also may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice. An appeal of the Registrar's final decision may be brought before the High Court. Since 1980 when the Kenya Civil Servants Union was deregistered for political reasons, civil servants also have been denied union membership. In August 1999, Dr. Richard Leakey, head of the civil service, announced that the Government may reregister the union and allow civil servants to become members; however, no action had been taken by year's end.

There were 37 unions representing approximately 600,000 workers, about one-third of the country's formal-sector work force. All but five of these unions, representing approximately 250,000 workers, are affiliated with the one approved national federation—the Central Organization of Trade Unions (COTU). The largest non-COTU union is the 240,000-member Kenya National Union of Teachers, which represents more than one-third of all unionized workers. The other four non-COTU unions are splinter organizations that separated from older bodies that remained within the COTU. The COTU leadership generally does not pursue workers' rights vigorously; however, most affiliates chose to remain rather than give up its even minimal support. As a result, most union activity takes place at the shop steward level and not at the industrial level where most labor-related decisions are made. This places the average worker at a disadvantage in disputes with management. Many COTU unions have evolved into de facto ethnic groupings.

The Government created COTU in 1965 as the successor to the Kenya Federation of Labor and the Kenya African Workers' Congress. The 1965 decree establishing COTU gives the President the power to remove COTU's three senior leaders from office and grants nonvoting membership on the executive board to representatives of the Ministry of Labor and of KANU. Although the board is composed of the leadership of affiliated unions, it is common for political parties, especially KANU, to provide funding and other support for the election of senior union officials. For the past few years, some leaders from affiliated unions have sought to bring about democratic reforms in the election of union leaders, independence from the Government, and establishment of links with any political party that supports worker rights. The reelection of the COTU leadership in 1996 indicated that there would be no major changes in the near future. Prior to the 1997 national elections, some trade union leaders began pushing the COTU to take part in the election reform dialog. The COTU leadership took a progovernment position.

The Trade Disputes Act permits workers to strike, provided that 21 days have elapsed following the submission of a written letter to the Minister of Labor. By law members of the military services, police, prison guards, and members of the National Youth Service may not strike. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days if it is an essential service, such as water, health, education, or air traffic control). During this 21-day period, the Minister may mediate the dispute, nominate an arbitrator, or refer the matter to the Industrial Court, a body of five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, factfinding, or arbitration, any subsequent strike is illegal. Moreover, the act gives the Minister of Labor broad discretionary power to determine the legality of any strike.

In past years, the Minister used this power to declare strikes by bank workers and teachers illegal, although the required notice had been given; however, there were no such incidents during the year. In 1997 the Kenya National Union of Teachers (KNUT) called a nationwide strike, which the Government quickly settled with pay increases of over 200 percent spread over 5 years, rather than risk antagonizing the influential teachers before the election. The Government's failure to implement the second of the promised pay hikes resulted in a late 1998 strike by the KNUT, which the Government declared illegal. The strike ended after 15 days when the Government refused to renegotiate. In November Dr. Gitu, the Ministry of Labor's Permanent Secretary, admitted that the Government should not have agreed to pay the 1997 salary package for teachers. The KNUT threatened to hold a nationwide strike at year's end, but did not do so. The Government and the KNUT remain in irregular negotiation regarding the implementation of the agreed-upon salaries; however, the contracted pay hikes have not been paid, and relations between the KNUT and the Government continue to be poor.

During the year there were several "labor actions," usually informal or wildcat strikes; however, there were fewer than in the previous year. Most lasted 1 or 2 days, and some involved violence on the part of the strikers (usually in an attempt to keep other workers off the job). On September 11, antiriot police responded to a September wildcat strike by several hundred guard service employees by firing tear gas at the striking guards after they began burning vehicles and attacking passers-by (see Section 1.c.).

Workers' rights groups continue to raise the general problem of the Government's harshness towards labor with the International Labor Organization's (ILO) Committee on Freedom of Association.

Internationally, the COTU is affiliated with both the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Many of its affiliates are linked to international trade secretariats.

b. The Right to Organize and Bargain Collectively.—While not having the force of law, the 1962 Industrial Relations Charter, executed by the Government, the

COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities. Both the Trade Disputes Act and the charter authorize collective bargaining between unions and employers. Wages and conditions of employment are established in negotiations between unions and management. In 1994 the Government relaxed wage policy guidelines to permit wage increases of up to 100 percent and renegotiation of collective agreements. Collective bargaining agreements must be registered with the Industrial Court in order to ensure adherence to these guidelines.

The Trade Disputes Act makes it illegal for employers to intimidate workers. Employees wrongfully dismissed for union activities can take their cases to the Industrial Court, and many have been awarded damages in the form of lost wages—reinstatement is not a common remedy. More often, aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

Legislation authorizing the creation of export processing zones (EPZ's) was passed in 1990. The EPZ authority decided that local labor laws, including the right to organize and bargain collectively would apply in the EPZ's, although it grants many exemptions in practice. For example, the Government waived aspects of the law that prevent women from working in industrial activities at night. In practice workers in EPZ firms may face dismissal if they join unions (see Section 6.a.). Labor and some government officials continued to criticize health and safety conditions in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution proscribes slavery, servitude, and forced labor, including forced and bonded labor by children; however, under the Chiefs' Authority Act, a local authority can require persons to perform community services in an emergency. The ILO Committee of Experts has found that these and other provisions of the law contravene ILO Conventions 29 and 105 concerning forced labor. The law remains in effect; however, attempts by chiefs to institute arbitrary community service during the year were overruled by the Government. Some observers allege that prison officials use free prison labor for personal profit. There reportedly were instances during the year, especially in rural areas, of children being loaned out as workers to pay off family debts (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Act of 1976 makes the employment in industry of children under the age of 16 illegal. The act applies neither to the agricultural sector, where about 70 percent of the labor force is employed, nor to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor officers nominally enforce the minimum age statute, and the Government is making efforts to eliminate child labor, working closely with the COTU and the ILO's International Program for the Elimination of Child Labor; however, there are more than 4 million child laborers in the country. The problem has received considerable media attention for several years.

Children often work as domestic servants in private homes. There are many instances of children working in the informal sector, mostly in family businesses. Children usually assist parents on family plots rather than seek employment on their own. However, deteriorating economic conditions and the effects of the HIV/AIDS pandemic have given rise to more child labor in the informal sector, which is difficult to monitor and control, and is a significant problem. A significant number of workers on coffee, sugar, and rice plantations are children, who usually work in family units. In addition a large number of underage children were active in the sex industry (see Section 5). In view of the high levels of adult unemployment and underemployment, the employment of children in the formal industrial wage sector in violation of the Employment Act is less common but not unknown.

The Government is a signatory to ILO Convention 182 on the worst forms of child labor; however, the Parliament had not ratified the convention by year's end. There are no laws on the worst forms of child labor. Many NGO's are active in this area.

Forced or bonded labor by children is prohibited by law; however, there reportedly were instances in which it occurred, primarily in rural areas as a form of family debt repayment (see Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for blue-collar workers in the wage sector has 12 separate scales, varying by location, age, and skill level. The lowest minimum wage is currently \$42 (3,180 shillings) per month in the largest urban areas and \$25 (1,908 shillings) in rural areas. Workers covered by a collective bargaining agreement (CBA's) generally receive a better wage and benefit package than those not covered, including a mandated housing allowance of 15 percent and traditional benefits such as a transport allowance or a "house owner occupier" allowance.

The minimum wage is insufficient to provide a decent standard of living for a worker and family. The 6 percent minimum wage increase decreed by the Ministry of Labor in May was criticized widely by the workforce. Most workers relied on second jobs, subsistence farming, informal sector opportunities, or the extended family for additional support.

The Regulation of Wages and Conditions of Employment Act limits the normal workweek to 52 hours, although nighttime employees may be employed for up to 60 hours per week. Some categories of workers have a shorter workweek. As is the case with respect to minimum wage limitations, the act specifically excludes agricultural workers. An employee in the nonagricultural sector is entitled to 1 rest day per week. There also are provisions for 21 days of annual leave and sick leave. The law also provides that the total hours worked (regular time plus overtime) in any 2-week period for night workers not exceed 144 hours; the limit is 120 hours for other workers. Workers in some enterprises claimed that employers forced them to work extra hours without overtime pay. The Ministry of Labor is responsible for enforcing these regulations, and there were few reports of violations. Foreign workers are covered by the same legislation and work rules as citizens.

The 1951 Factories Act sets forth detailed health and safety standards; it was amended in 1990 to include agricultural and other workers. The 65 health and safety inspectors attached to the Ministry of Labor's Directorate of Occupational Health and Safety Services have the authority to inspect factories and work sites. As a result of the 1990 amendments, the Directorate's inspectors may issue notices enjoining employers from practices or activities that involve a risk of serious personal injury. Previously, only magistrates were vested with this authority. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a High Court judge. The number of factory inspections has increased significantly since 1992. One section stipulates that factories that employ at least 20 persons have a health and safety committee with representation from workers. However, according to the Government, less than half of even the very largest factories have instituted health and safety committees. The vast majority of factories have yet to comply with the provision. Workers are not forced by law to remain in hazardous conditions; however, many would be reluctant to remove themselves because of the high unemployment problem and the resulting risk of loss of their job.

f. Trafficking in Persons.—Although there are no laws that specifically prohibit trafficking in persons, there are applicable laws against kidnaping and abduction that potentially could be used to prosecute traffickers; however, there were no reports that persons were trafficked to, from, within, or through the country during the year. In past years, there were unverified reports that citizens were trafficked to Saudi Arabia under the guise of employment opportunities, and that South Asians were trafficked into the country to work in sweatshops.

The Government does not target trafficking specifically through any programs; however, several NGO's provide service to persons who may have been victims of trafficking.

LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the 1993 Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, took office in June 1998 and is the Head of Government. In the May 1998 elections, the LCD won 79 seats in the expanded 80-member Parliament. The Basotho National Party (BNP) won the one remaining seat. Over 700 foreign and national election observers concluded that the election met international standards for a transparent, multiparty election; however, the Langa Commission, a group of election auditors from the Southern African Development Community (SADC), reported that while there was no evidence to substantiate charges of electoral fraud, mismanagement of polling data made it impossible to confirm that fraud did not occur. Opposition parties claimed that the election result was fraudulent and launched a prolonged and aggressive protest at the royal palace in Maseru in August 1998. Opposition leaders urged the King—who had staged a coup in 1994—to dissolve the newly elected Parliament and install a government of national unity on the basis of their claim that the LCD rigged the election. In September and October 1998, the armed opposition protesters used violence to destabilize the Government, disarm the police, intimidate workers and business owners, shut down government and business operations, and facilitate a junior officer rebellion in the army. The army rebels, who

were armed, aligned themselves with the opposition protesters. This action resulted in a virtual coup and severely strained relations between the Head of State and the Government. The palace vigil and protests resulted in politically motivated killings, injuries, violence, arson, and destruction. These events also precipitated intervention by a SADC military task force in September 1998 to quell the army mutiny and return society to a state of law and order. In the past, the judiciary had been subject at times to government and chieftainship influence; however, there were no reports of the use of such influence during the year.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Police Service (LPS), and the National Security Service (NSS). The Prime Minister is the Minister of Defense, with direct authority over the LDF and the NSS. The police force is under the authority of the Minister of Home Affairs. In 1996 and 1997, the Parliament passed the Lesotho Defense Act (1996), Regulations for Military Justice (1997), and amended the Royal Lesotho Mounted Police Force Act. This legislation was designed to bring these services under direct civilian control. However, the politicized armed services have a history of intervening in the country's politics and government. The LDF ruled the country with two successive military regimes from 1985–90, and 1990–93. In September 1998, a SADC task force put down an army rebellion, arrested LDF rebels, and disarmed the remaining soldiers. Fifty-two army personnel were arrested and tried in courts-martial for rebellion, mutiny, and treason. Fifteen of these soldiers were acquitted after trial or had the charges against them dropped, 1 died of natural causes, and 36 soldiers were convicted and sentenced to prison terms ranging from 3 to 13 years. This was the first instance in which a court-martial prosecuted LDF soldiers for infractions of the Defense Act. The LDF continues to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also are undergoing comprehensive restructuring. There were allegations that members of the security forces on occasion committed human rights abuses.

Lesotho is a landlocked country surrounded by South Africa and almost entirely dependent on its sole neighbor for trade, finance, employment, and access to the outside world. About 17 percent of the adult male work force works in mines in South Africa. Miners' remittances account for slightly over one-third of gross national product (GNP). Real gross domestic product grew by 2 percent in 1999, after a decline of 4.6 percent in 1998. Inflation was slightly more than 12 percent, with per capita GNP rising about 8 percent in local currency terms, to approximately \$590. State-owned enterprises predominate in the agroindustrial and agribusiness sectors, but private sector activity dominates in the small manufacturing and construction sectors. The 1998 opposition protest and SADC intervention resulted in a wave of political violence and arson that destroyed nearly 80 percent of the commercial infrastructure in Maseru and other towns and villages. Thousands of jobs were lost, and many entrepreneurs went bankrupt. Hundreds of millions of dollars in losses occurred. Under the traditional chieftainship structure, land use and tenure is controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected many of the human rights of its citizens; however, there continued to be problems in some areas. There were unconfirmed allegations of torture by security forces, and credible reports that the police, at times, used excessive force against detainees. Prison conditions are poor, and lengthy pre-trial detention is a problem. There are long delays in trials; 25 of 33 RLMP members charged in connection with a February 1997 police mutiny spent 41 months in jail before being convicted in July. Domestic violence was common, and women's rights continued to be restricted severely. Societal discrimination against the disabled was common. Some worker rights were restricted. Government enforcement of prohibitions against child labor was improved in commercial enterprises that involve hazardous working conditions.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

During the 1998 opposition palace protest, violence between protesters and police, between antagonistic political factions, and between policemen and soldiers resulted in nine fatalities, including one police officer and eight civilians—four of whom were opposition supporters, and numerous injuries. These deaths resulted from gunshot wounds and fatal beatings sustained during enforcement actions and during violent clashes between political party supporters. Between September 21 and 28, 1998, nine South African soldiers were killed while suppressing the army mutiny. Over

50 LDF soldiers and 40 civilians allied with the opposition died in fighting with SADC troops. Fifty-two LDF personnel have been arrested and court-martialed for mutiny and high treason in connection with these events. In 1999 three of the accused were acquitted after trial, and charges against another eight were dismissed upon motion by the Crown. In July three of the accused were convicted and received sentences ranging from 5 to 13 years' imprisonment. One of the accused died of natural causes unconnected with his incarceration while in prison. During the year, 4 of the accused were acquitted after trial, and in December the remaining 33 were convicted and sentenced to prison terms ranging from 3 to 13 years.

In March 1999, the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 14 members of the LDF were arrested and charged with involvement in the killing. Four of the soldiers also are facing courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister have been delayed until the courts-martial are completed.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture or inhuman or degrading punishment or other treatment, and the Government generally respects these provisions; however, there were credible reports that the police at times used excessive force against detainees.

Prison conditions are poor. Prison facilities are overcrowded and in disrepair. In 1998 Amnesty International representatives visited the LDF soldiers accused of mutiny being held in the maximum security prison in Maseru and reported that conditions were poor. In January 1999, the Judge Advocate ordered prison officials to improve conditions in the cells in which the soldiers were being held; conditions were improved as a result, and the Judge Advocate did not issue further orders in the future.

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have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special courtmartial appeal court, which is composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court. In January 1999, the defense lawyers for the accused army mutineers asked the judge advocate to dismiss all charges, alleging that the courts-martial hearings were unconstitutional on the grounds that the proceedings were subject to inappropriate command influence and lacked judicial independence. The adjudication panelists were the same LDF officers who were rounded up at gunpoint during the mutiny and held incommunicado in the maximum security prison. The judge advocate denied the lawyers' request. In June 1999, upon review, the Chief Justice also denied the request, as did the Court of Appeals in October 1999.

Persons detained or arrested in criminal cases and defendants in civil cases have the right to legal counsel; however, there is no system to provide public defenders. The Ministry of Justice and the NGO community maintained a few legal aid clinics. The authorities generally respect court decisions and rulings. There is no trial by jury. Criminal trials normally are adjudicated by a single High Court judge who presides, with two assessors serving in an advisory capacity. In civil cases, judges normally hear cases alone. The 1981 Criminal Procedures and Evidence Act, as amended in 1984, makes provision for granting bail. Bail is granted regularly and generally fairly. There is a large case backlog, which leads to lengthy delays in trials. In September 1998, a Molotov cocktail attack on the High Court destroyed case files and other important documents and further hampered the operations of the courts.

In civil courts, women and men are accorded equal rights; however, in traditional and customary courts, certain rights and privileges accorded to men are denied to women (see Section 5). When traditional law and custom are invoked in a court case, a male plaintiff can opt for customary judgments by a principal chief rather than a civil court, and the judgment is binding legally. This system greatly disadvantages women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law does not fully protect citizens' privacy rights, but there were no confirmed reports that authorities infringed on citizens' privacy rights during the year. Although search warrants are required under normal circumstances, the ISA provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There were no prohibitions against monitoring telephone conversations until 1999, when some restrictions were implemented. Observers believed that the security services continued to monitor telephone conversations of Basothos and foreigners, ostensibly on national security grounds.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are several independent newspapers—including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies—that routinely criticized the Government. The official state-owned or state-controlled media consist of one radio station, a 1 1/2 hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflect official positions of the ruling party. There are four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts are widely available. Despite serious damage to a number of news publications caused by arson and looting in September 1998, these news organizations resumed publishing within months.

Internet services are freely available from a number of private Internet service providers.

There is a lack of free access to government information, which often is described as a limitation on the free press; however, there are no other barriers that affect press coverage of government activities. In 1998 the National Press Association objected to rules established by the Independent Electoral Commission, which barred reporters from entering polling stations on election day.

The Government respects academic freedom. Although the Government owns and administers the country's only university, the academic staff represents the full political spectrum and is free to express its views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Under a 1993 revision of the ISA, a public meeting, rally, or march no longer required prior police permission, only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. In addition to the LCD, the Basotholand Congress Party (BCP), and the BNP, there were nine smaller, registered political parties.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally are able to move freely within the country and across national boundaries. The Government placed no obstacles in the way of citizens who wished to emigrate.

In September 1998, numerous serious incidents and threats to the safety of citizens by opposition supporters who carried out assaults, car-jackings, attacks on residences, and sniper attacks led thousands of foreigners and ruling LCD supporters to flee to South Africa in the weeks immediately following the SADC military intervention. Almost all citizens had returned by the end of 1999; however, a large number of the foreigners who fled have moved across the border and commuted to their jobs in the country.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed approximately 25 refugees from Somalia and Uganda registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies, but had not done so by year's end. Other than these students, there is no resident refugee population. The Government has provided first asylum; however, the issue did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In the first multiparty democratic elections in 1993, after more than 20 years of authoritarian and military rule, the BCP came to power with complete control of the National Assembly. Despite its landslide electoral victory, the BCP Government had to contend with a number of challenges to its power, including a violent opposition destabilization campaign based on allegations that the BCP had won by fraud. These challenges culminated in August 1994 when King Letsie III unconstitutionally suspended the Parliament and installed a ruling council. Many Basotho responded by demonstrating their support for the democratically elected BCP Government. Organized labor and others held two national demonstrations—stayaways—to express support for the ousted Government, and there were numerous rallies at the National University. As a result of both local and international pressure, the King reversed himself, and the BCP regained control of the Government.

A 1994 Memorandum of Understanding between King Letsie III and Prime Minister Ntsu Mokhehle, which was brokered by South Africa, Botswana, and Zimbabwe, called for the reinstatement of the King's father, Moshoeshoe II, who had been deposed by the previous military Government and exiled in 1990, and for measures to broaden participation in the political process. In early 1995, Moshoeshoe II was reinstated as King. In January 1996, upon the death of his father, King Letsie III was sworn in again as King. The formal coronation of King Letsie III was held in October 1997. The 1994 suspension of the Constitution by Letsie, although short-lived, highlighted the fragility of rule within the constitutional monarchy.

The 1998 crisis was similar to that of the 1993-94 postelectoral period. In both cases, opposition party members alleged electoral fraud, suborned army supporters, sought the King's involvement, and effectively overthrew the elected Government. However, in 1998 the King did not take an active role in the opposition campaign, as he did in 1994, and, based on the 1994 Memorandum of Understanding, Prime Minister Mosisili asked SADC to intervene militarily to stabilize the situation.

In the May 1998 elections, the LCD won 79 of 80 parliamentary seats. The BNP won the other seat. International observers concluded that the elections met international standards for a multiparty election and reflected the will of the voters. Despite opposition coalition claims, the Langa Commission, composed of international observers from four southern African countries, reported no definitive findings of vote rigging or fraud; however, postelection management of electoral and polling station data was poor. The Commission stated that the documentation was in such disarray that it could not prove that fraud had not occurred. This judgement encouraged the opposition to charge that errors short of fraud could have affected the results.

In October 1998, the LCD and the newly formed opposition alliance agreed to hold new elections within 2 years to resolve the ongoing political crisis. Local elections, scheduled to be held late in 1998, were postponed because of the 1998 crisis. Negotiations under SADC supervision resulted in the December 1998 establishment of the Interim Political Authority (IPA) with a mandate to prepare for new elections within 18 months (i.e., during the first half of the year). However, the IPA made little progress in meeting its objectives. The IPA and the Parliament continued efforts to negotiate an electoral arrangement that would be acceptable to all parties.

In February anonymous flyers threatened a return to political violence if an election was not held or an election date announced by May 16. The flyers warned workers to stay away from work from May 10 to 16. Although joint police and army patrols were deployed as a precaution, some workers stayed home due to a fear of reprisals by the opposition. On May 13, the Prime Minister announced that the next national multiparty elections were scheduled for March 2001.

There are no legal impediments to women's participation in government or politics, but women remain underrepresented in both areas. There are 2 women in the 80-member National Assembly, and there are 7 women in the 33-member Senate. A woman serves as the Minister of Environment, Women, and Youth Affairs. In October 1999, the Parliament unanimously elected the first female Speaker of the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases, and the Government allowed international organizations to visit the country during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights are restricted severely under the traditional chieftainship system.

Women.—Domestic violence, including wife beating, occurs frequently. Dependable statistics were not available, but the problem was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occurred frequently; however, increasingly it was considered socially unacceptable behavior. A national conference held in March 1998 on the empowerment of women noted that of 100 cases of human rights abuses, 90 percent of the victims were women who were victims of domestic violence, rape, and sexual harassment.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman was considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice, which discriminates against women. The tradition of paying a bride price (lobola) is common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created a Ministry of Gender Affairs.

Children.—The Government has not addressed adequately children's rights and welfare, although it has devoted substantial resources to primary and secondary education. Education is not compulsory even at the primary levels, and 25 percent of children do not attend school, particularly in rural areas where there are few schools, where children are involved in subsistence activities in support of their family's welfare, or where families cannot afford the costs associated with school attendance (for example, fees for the purchase of uniforms, books, and materials). The

problem of school nonattendance affects boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys is a prerequisite to manhood in the community, and this frequently interferes with their school enrollment. The Government began implementation of a new program that provides free public education through the primary grades (one through six). The program commenced in all schools in the first grade during the year, and it covered the costs of school fees, books, and one meal per day. Expansion of the program to the second grade in all schools is scheduled for 2001.

There is no pattern of societal abuse against children, but many children work at a relatively young age (see Section 6.d.). Familial stress, poverty, the spread of HIV/Aids, and divorce have led to a rise in child homelessness and abandonment, creating a growing number of street children.

People with Disabilities.—Discrimination against physically disabled persons in employment, education, or provision of other government services is unlawful; however, societal discrimination is common. The Government has not legislated nor mandated accessibility to public buildings for the disabled.

Religious Minorities.—Christianity, specifically Roman Catholicism, is the predominant religion. Approximately 90 percent of the population are Christian, and 70 percent of the Christians are Catholic. Muslims, members of other non-Christian religions, and atheists constitute the remainder (70 percent). The Christians are scattered throughout the country.

There is generally mutual understanding and co-operation between Christians and

tradition. Some religious numbers are as follows:

Religion Number of Christians as a percentage of the population

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No legally authorized strike has occurred since independence in 1966. Because civil servants generally are not allowed to strike, all public sector industrial actions are, by definition, unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution; however, there were no reported strikes during the year. Legal protection for strikers from retribution has not always been enforced in cases of illegal strikes. Security forces violently suppressed some wildcat strikes in the textile, garment, and construction industries in 1994, 1996, and 1998.

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

b. The Right to Organize and Bargain Collectively.—In principle all legally recognized trade unions in principle enjoy the right to organize and bargain collectively, and the Government generally respected these rights; however, some employers tried to restrict these rights in practice. Employers usually are cooperative; however, some employees are threatened with expulsion and loss of employment if they join unions. There was credible evidence that some employers in the textile and garment sector used blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers. Although there was some collective bargaining between unions and employers to set wage and benefit rates, employers generally continued to set wage rates through unilateral action. Employee grievances reportedly were handled promptly by the Labor Commission, and there were no significant backlogs of cases during the year.

In May Parliament passed the Labor Code Amendments Bill; however, it was not implemented by year's end. The bill provides for the establishment of a Directorate of Dispute Prevention and Settlement with full-time arbitrators and conciliators; however, the Directorate was not staffed by year's end due to funding constraints. The bill does not permit public employees to join unions; however, it does allow them to form associations. The country has several industrial zones, in which mostly textile and apparel firms manufacture for export. All national labor laws apply in these industrial zones; however, employers in the zones do not always respect these rights in practice. Employers reportedly harassed and intimidated union organizers, and prevented them from entering the zones. There were reports that union activists often were fired. There were also reports that many companies in the zones paid below minimum wage, enforced long hours, and deducted wages when employees were found talking or taking more than one break a day.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The 1987 Employment Act prohibits forced or compulsory labor, including that performed by children, and there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment in commercial or industrial enterprises is 15 years, and legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly are employed in family-owned businesses. Although there were allegations of child labor in the textile and garment sector, investigations by the ILO and the Labor Commission found no evidence to support the charges.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and although enforcement of prohibitions was very lax in previous years, the Ministry of Labor and Employment's Inspectorate was adequately staffed and conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock, herdboys are considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. Child labor laws covered all sectors except for the agricultural sector.

The Government has not ratified the ILO Convention 182 on the worst forms of child labor, although it was being considered by the Cabinet at year's end with the support of the Lesotho Manufacturer's Association.

The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—In general wages are low. A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of Government, trade unions, and employers. The monthly minimum wage for unskilled laborers is \$67 (467 maloti), and \$129 (901 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to en-

sure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees. However, there is also reason to believe that some employers, especially in export sectors, treated the minimum wage as a maximum wage. This situation was made possible by the high levels of unemployment and underemployment, which provide a large pool of surplus unskilled labor that bid down wage rates and threatened job security for workers who made demands for better wages and conditions of work.

The Labor Code spells out basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid public holidays; however, employers did not always respect these rights in practice. Unlike in the previous year, there were no reports of employers locking in workers until an order was finished without overtime pay or of employers refusing sick leave.

Workers generally are unable to obtain an expeditious hearing in court on their complaints. The labor court has a large backlog of industrial dispute cases on the docket; there is only one labor judge to deal with cases filed as early as 1995. However, the Labor Commission is staffed adequately and handled most complaints within a 1-month period, and it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories 4 times per year. The Labor Commission is authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it does not have the authority to impose criminal fines.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury, and in practice employers generally follow these regulations. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, Labor Code sections on safety in the workplace and dismissal implied that dismissal in such circumstances would be illegal.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports of trafficking in persons to, from, or within the country during the year. There was a report that illegal immigrant smugglers, primarily from South and East Asia, continued to take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. There was no clear evidence that these movements included women or children, or that these organizations were recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It was suspected that most of the persons who are moved by these criminal organizations were primarily economic immigrants seeking employment in other countries. There were no reports or evidence of forced or bonded labor or servitude in the country resulting from these activities.

The Government took no specific action to address trafficking during the year.

LIBERIA

Liberia is a centralized republic, dominated by a strong presidency. The Constitution provides for three branches of government, but no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Americo-Liberians, descendants of freed slaves from the United States and the Caribbean, who make up approximately 5 percent of the population, dominated the country's government through the True Whig party until 1980. In 1980 Sergeant Samuel K. Doe, a member of the indigenous Krahn ethnic group, seized power in a military coup. Doe was killed by rebels in 1990 early in the 7-yearlong, ethnically divisive civil war, which was ended by the Abuja Peace Accords in 1996. Forces led by Charles G. Taylor, who is of both indigenous and Americo-Liberian ancestry, emerged dominant. In 1997, Taylor won the presidential election, and his National Patriotic Party (NPP) won threequarters of the seats in the legislature. The elections were administratively free and transparent, but were conducted in an atmosphere of intimidation, as most voters believed that Taylor's forces would have resumed fighting if he had lost. Most other leaders of the former warring factions subsequently left the country. The bicameral legislature exercised little independence from the executive branch. The judiciary is subject to political influence, economic pressure, and corruption.

The regular security forces include: The Armed Forces of Liberia (AFL); the Liberia National Police (LNP), which has primary responsibility for internal security; the Antiterrorist Brigade (ATB) created in 1999, composed of an elite special forces group; and the Special Security Service (SSS), a large, heavily armed executive protective force. There also are numerous irregular security services attached to certain key ministries and parastatal corporations, the responsibilities of which appear to be defined poorly. The national army, which fought against Taylor's faction during the civil war, has yet to be downsized and restructured as required by the Abuja Peace Accords, due primarily to a lack of funding. By year's end, a commission had been formed with funding allocated at approximately \$100,000. Only a few contingents have been deployed to maintain security in parts of rural areas. The ATB absorbed Taylor's most experienced civil war fighters, including undisciplined and untrained loyalists. During the year, the Government revived the National Bureau of Investigation (NBI), which had become defunct during the civil war. Security forces frequently acted independently of government authority, particularly in rural areas. Members of the security forces committed numerous, serious human rights abuses.

Liberia is a very poor country with a market-based economy that has yet to recover from the ravages of the civil war. Average per capita income is estimated at \$171, only a small fraction of the prewar level. Prior to 1990, the cash economy was based primarily on iron ore, rubber, timber, diamond, and gold exports. An unemployment rate of 85 percent, a 25 percent literacy rate, the internal displacement of civilians in Lofa and Nimba counties, and the absence of infrastructure throughout the country continued to depress productive capacity, despite the country's rich natural resources and potential selfsufficiency in food. Government officials and former combatants continued to exploit the country's natural resources for personal benefit. Extortion is widespread in all levels of society.

The Government's human rights record remained poor, and there were numerous, serious abuses in many areas. The security forces committed many extrajudicial killings, and they were accused of killing or causing the disappearance of persons. Security forces tortured, beat, and otherwise abused or humiliated citizens. The Government investigated some of the alleged abuses by the security forces; however, offenders were rarely charged or disciplined. Prison conditions remained harsh and sometimes life threatening. Security forces continued at times to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system, hampered by political influence, economic pressure, inefficiency, corruption, and a lack of resources, was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; authorities tacitly condoned this practice. More than 20 political prisoners remained in jail. Security forces violated citizens' privacy rights, conducted warrantless searches, harassment, illegal surveillance, and looted homes. The Government restricted freedom of the press; it detained, threatened, and intimidated journalists into self-censorship and shut down two radio stations, one temporarily. Security forces restricted freedom of movement, using roadblocks to extort money from travelers and returning refugees. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children remained widely neglected, and female genital mutilation (FGM) continued to increase. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Government continued to discriminate against indigenous ethnic groups that had opposed Taylor in the civil war, especially the Mandingo and the Krahn ethnic groups. Forced labor persisted in rural areas. Child labor remained widespread, and there were reports of forced child labor. Ritualistic killings also persisted.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Security forces continued to commit extrajudicial killings. Human rights organizations estimate the number of such killings to be have increased to several hundred during the year. Many of the abuses were linked to ongoing violence in Lofa county between security forces and antigovernment dissidents who launched a series of crossborder incursions from Guinea. No perpetrators were arrested or convicted for any of these killings.

In February the police shot and killed Nyanqui Luoh, an accused armed robber. The police reported that they acted in selfdefense. A human rights organization called for an investigation of the incident, but none had been undertaken by year's end.

There were credible reports that government forces as well as members of the Lorma ethnic group continued to harass, intimidate, and, on occasion, kill members of the Mandingo ethnic group in Lofa county. For example, in January armed men reportedly killed 18 Mandingos in the town of Bawon. In March security forces arrested and killed five Mandingos on a road linking Voinjama, Lofa County with Guinea. Human rights monitors reported that hundreds of Mandingos were killed during the year.

There was no investigation into nor action taken in the May 1999 death of a security officer allegedly while in detention.

At year's end, the Government had not released a report on its November 1999 investigation of the reported killing of as many as 30 Mandingos in Lofa county in August 1999. In that incident, the authorities initially arrested 19 persons, but they did not charge anyone with a crime.

The trial of nine Krahn AFL soldiers accused of involvement in 1998 violence ended in February; four soldiers were convicted of sedition and sentenced to 10 years in prison; the other five were acquitted and released.

There was no further action taken in the 1998 extrajudicial killings of Mannah Zekay, John Nimely, or others reported during that year.

In 1999 the President Pro Tempore of the Senate told the Interparliamentary Union that the investigation into the 1997 killings of opposition political leader Samuel Saye Dokie and three family members continued. However, there was no active investigation into the case during the year, and the case essentially was dropped.

Since September there were reports of attacks by fighters based in Liberia on the Guinean border towns, which caused several deaths. These attacks generally are perpetuated by a combination of Revolutionary Front United (RUF) rebels from Sierra Leone, Liberian military, and some Guinean rebels; however, some attacks also were perpetuated by armed Liberian dissidents based in Guinea. There was at least one attack reported on a Guinean town close to the Sierra Leonean border.

In November attacks were reported in northeastern Nimba, which resulted in numerous deaths, but it was unclear whether the rebel incursion was from Guinea or Cote d'Ivoire.

In October in Nimba county, a property dispute between Mandigos and members of the Mano and Gio ethnic groups led to rioting, which reportedly killed four persons (see Section 5). A mosque and five other buildings were burned. Police arrested 12 persons in connection with this violence and charged them with arson. The 12 remained in detention pending a trial at year's end.

Incidents of ritualistic killings, in which human body parts used in traditional rituals are removed from the victim, continued to be reported (see Section 5). The number of such killings is difficult to ascertain, since police often described deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to have been the work of ritualistic killers (see Section 5). In February there was a riot in the town of Ganta, Nimba county when police released on parole two suspects in the death and mutilation of a 10-year-old girl. The two suspects eventually were charged with her killing. A police investigation launched in August 1999 into alleged ritual killings in Harper resulted in the acquittal of one of four defendants; no information was available on the status of the three remaining defendants.

b. Disappearance.—Security forces were responsible for disappearances. In June security personnel arrested seven refugees returning from Guinea in an UNHCR vehicle after discovering that one of them carried a photograph of a former faction leader who opposed President Taylor during the civil war. The authorities claimed they were dissidents plotting to overthrow the Government. The detainees were charged with treason; however, their whereabouts were unknown at year's end despite legal challenges to the Government to produce them.

Security forces produced suspects whom they had held without charge when the courts issued writs of habeas corpus on the applications of human rights organizations. Their disappearances often were the result of prolonged illegal detention at the Gbartala base (see Section 1.c.).

There were no indications by year's end that the Government carried out its promised investigation of the reported disappearance of Mandingos following the violence in Lofa county in 1999.

There were no developments in the 1998 disappearance case of market woman Nowai Flomo.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other degrading treatment; however, government police and security forces frequently tortured, beat, and otherwise abused and humiliated citizens. In some cases, security forces produced suspects whom they had

held without charge when the courts issued writs of habeas corpus on the applications of human rights organizations. Detainees continued to charge that they were tortured while in detention, especially at a security training base in Gbatata. Victims and witnesses reported beatings, torture, killings, and sexual abuse at the base. In October 1999, human rights organizations called for the closure of the base because of a number of credible reports of torture there; however, the base remained opened. A local NGO, the Catholic Affiliated Justice and Peace Commission, tried to investigate claims; however, the Government blocked their efforts.

On several occasions, government security personnel harassed, assaulted, and arrested journalists (see Section 2.a.).

Law enforcement personnel, including the security forces, were implicated in numerous reports of harassment, intimidation, and looting. For example, in February SSS members carried out a series of armed robberies and shot and injured an LNP officer in the West Point area of Monrovia. In April armed soldiers clashed with marketers in Monrovia; they confiscated goods and harassed the marketers. There was a series of incidents involving harassment or looting and assault of foreign diplomats and local embassy employees. In February LNP officers pulled a foreign diplomat from his car in Monrovia and assaulted him. In March LNP officers demanded money from an embassy security guard and beat him with metal pipes. After various complaints in March from members of diplomatic corps, the Government called for investigations and punishment for offenders. Meetings with security agencies also were organized to brief them on diplomatic immunity; however, in June another local embassy employee was assaulted, searched for weapons, and robbed by AFL officers.

Paul Mulbah, who was appointed director of the LNP in August 1999, took some steps in 1999 to curb abuse of the LNP; however, in general his efforts were unsuc-

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Women, who constituted about 5 percent of the prison population, are held in separate cells. Their conditions are comparable to those of the male prisoners and detainees. There were no separate facilities for juvenile offenders. Women and particularly juveniles were subject to abuse by guards or other inmates.

In a number of cases, human rights groups and interested individuals achieved the release of detainees and prisoners. However, for the most part, these cases tended to be nonpolitical in nature.

The Government generally permits the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC); however, visits to unofficial detention centers often are denied. For example, despite requests made by NGO's to the Defense Ministry, no independent monitor has been allowed to visit the Gbatala base where victims have been detained and tortured. The ICRC is allowed to visit persons held in prison facilities and police detention centers without third parties present and to make regular repeat visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued at times to arrest and detain persons arbitrarily. The Constitution provides for the rights of the accused, including warrants for arrests and the right of detainees either to be charged or released within 48 hours. Although the Government generally adheres to these standards, warrants were not always based on sufficient evidence, and detainees, especially those without the means to hire a lawyer, often were held for more than 48 hours without charge. In some cases, persons were detained secretly at unofficial detention centers including one at the executive mansion (see Section 1.c.).

The Constitution provides for the right of a person who is charged to receive an expeditious trial; however, lengthy pretrial and prearrest detention remained a serious problem. In some cases, the length of the pre-trial detention equaled or exceeded the length of sentence for the crime in question. Five detained soldiers awaiting court-martial for desertion during the September 1998 incident have been incarcerated in the stockade since November 1998. Their courtmartial still are pending; should they be convicted, the maximum sentence would be 6 months' imprisonment.

The police only have limited logistics and forensic capabilities and cannot adequately investigate many crimes, including murder cases. When the courts release known criminals for lack of evidence, police officers often rearrest them on specious charges.

In August the Government arrested Auditor General Raleigh Seekie and charged him with treason. Police searched Seekie's home and office for subversive documents, arms, and ammunition but did not find anything. Nevertheless, he is charged with aiding armed dissidents trying to overthrow the Government.

Security forces arrested and detained a number of journalists during the year (see Section 2.a.). For example, in August the Government arrested four foreign journalists and charged them with espionage (see Section 2.a.). The four were denied bail but were released a week later in response to international pressure.

The Government did not use forced exile; however, as a result of frequent harassment and threats by the security forces, a number of opposition figures and human rights activists fled the country due to fear for their personal safety or that of their families. These included human rights activist James Torh and Muslim organization leader Lartin Konneh (see Sections 2.e. and 5). During the year, President Taylor publicly alleged that some of these opposition figures had gone abroad to conspire in the overthrow of his Government, which kept numerous prominent opposition figures and former warlords out of the country throughout the year.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, judges are subjected to political, social, familial, and financial pressures, leading to the corruption of the judiciary. Some judges and magistrates are not lawyers. The judiciary has determined that it is not feasible to retire all judicial personnel who are not legally trained, but intends to replace those currently sitting with lawyers as they retire. By statute members of the bar must be graduates of a law school and pass the bar examination. The executive branch continued to exert undue influence on the judiciary. For example, in response to an appeal of the 1999 treason convictions of 13 ethnic Krahn AFL members, the Government demanded in 1999 that their sentences be changed from 10 years' imprisonment to death. In December 10 years was added to their sentences for a total of 20 years' imprisonment.

The judiciary is divided into four levels, with the Supreme Court at the apex. All levels of the court system in Monrovia, including the Supreme Court, functioned sporadically. The Government's efforts to revitalize the court system outside of Monrovia continued to be troubled by lack of trained personnel, infrastructure, and a

lack of adequate funding. Although judges were assigned throughout the country, in some cases they were unable to hold court due to lack of supplies and equipment. Traditional forms of justice administered by clan chieftains remained prevalent in some localities (see Section 1.c.).

Under the Constitution, defendants have due process rights that conform to internationally accepted standards; however, in practice these rights are not always observed. Defendants have the right to a public trial and timely consultation with an attorney; however, there is no effective system to provide public defenders, especially in rural areas. Some NGO's provide legal services to indigents and others who have no free representation. Courts regularly received bribes or other illegal gifts out of damages that they awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers to secure favorable rulings. In October the Chief Justice of the Supreme Court stated publicly that delays in salary payments to judicial personnel contributed to corruption in the judiciary.

Human rights organizations reported that 24 political prisoners, including AFL personnel, were sentenced for treason in February and in April 1999; however, this number reportedly includes a few political detainees who have not yet been convicted of a crime (see Section 1.a.).

The Government permits access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy and the sanctity of the home; however, authorities regularly infringed on these rights. The Constitution provides that the police must obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice police and paramilitary officers frequently entered private homes and churches without warrants to carry out arrests and investigations.

The security forces harassed and threatened perceived opposition figures and their families by conducting illegal surveillance. In some cases, they entered the homes of opposition figures, usually at night. For example, security personnel watched the homes of activists James Torh and Lartin Konneh for several weeks (see Section 2.a.). Fearing for their safety, both activists fled the country. Several student leaders remained under surveillance at year's end (see Section 2.a.). Several journalists and human rights activists resided in the homes of friends or relatives for months at a time due to fear that the security forces might follow through with their threats against them. Incidents of harassment and threats increased with the continuing violence in Lofa county. In rural areas, particularly in remote parts of Lofa county, armed security forces illegally entered homes, most often to steal food, money, or other property (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted this right in practice. Security agents threatened, detained, and assaulted journalists and intimidated many journalists into practicing self-censorship.

In January human rights activist James Torh's sedition trial for criticizing President Taylor began. Decisions made on motions during his trial indicated that an impartial judgement was not possible and, fearing for his safety, Torh fled the country in March. Muslim organization leader Lartin Konneh, charged with treason for calling on Muslim government officials to resign their positions, also fled the country.

With some notable exceptions, government officials are reluctantly tolerant of the press; however, they frequently rebuked the media publicly for what they considered negative reporting of events. Security personnel sometimes interpreted such criticism as a license to harass, threaten, and even assault targeted persons. Reporting that criticized the Government brought threats of violence, closure, or directives from powerful government figures to advertisers that they should discontinue business with that media outlet. For example, another respected newspaper ceased publication, and most of the management left the country after repeated threats were made against them because of editorials written by the newspaper's publisher from his home abroad.

Nevertheless, in general journalists are outspoken and even provocative. However, journalists also practice self-censorship, especially in regard to information about the President and his immediate family members and particularly after being threatened or harassed.

In April the LNP briefly detained broadcast journalist Isaac Redd of the Liberia Communication Network (LCN) for allegedly making inflammatory remarks against the President.

In August the Government arrested four foreign journalists from Britain's Channel Four network who visited the country to gather material for a documentary about countries in post-conflict stages in West Africa, and charged them with espionage; while in detention, security personnel beat and threatened them. They also were denied bail because the charge was considered a capital offense by the prosecution, although the law did not require such a ruling. The journalists were released a week later after the international community criticized the Government. In October security forces arrested and briefly detained newspaper reporter Philip Moore for alleged treasonous remarks.

In March security forces detained the president of the Press Union of Liberia (PUL), Suah Deddeh, after the organization planned a mass meeting to respond to the closing of two radio stations. The meeting never happened, and nonmembers of the PUL were threatened with arrest. Deddeh was released after spending a night in jail. In May police detained Deddeh a second time when the Press Union, in celebration of World Press Freedom, was planning a march through the center of Monrovia. Security forces also threatened other activists who opposed the radio closings.

No action was taken during the year in the case of the police forces' 1998 flogging of journalist Hassan Bility or the 1999 assault on the editor of the *Inquirer* newspaper, Philip Wesseh.

In Monrovia eight newspapers were published during the year, although some publish very irregularly. Two are independent dailies and five generally appeared once or more a week; they vary in their political balance. The Public Affairs Bureau of the Ministry of Information, Culture, and Tourism publishes one newspaper, and the communications network owned by the President publishes one weekly newspaper. Several newspapers that had not published regularly, and an alternative press organization became active following the news blackout in March organized by the press union in response to the closure of two radio stations. There were numerous reports that government officials funded these newspapers, and that they generally reported only progovernment news. The ruling party also published a newspaper that circulated frequently during the period following the closures of the radio stations; however, the frequency of its publishing lessened later in the year.

Newspaper availability fluctuated during the year. The two leading independent dailies continued to publish despite being labeled as dissident newspapers after they participated in the news blackout following the closure of two radio stations and after subsequently being criticized by the Government and the ruling party.

The Ministry of Information, Culture, and Tourism did not accept late license payment from two newspapers with the result that they had to cease publication. The Ministry did not renew the annual licenses of two newspapers because the Government believed that they were supported by "agent provocateurs"—persons whom, in the government's view, want to overthrow the Government.

Management of the one printing facility capable of producing newspapers is subject to pressure from the Government. To meet costs of production, the typical newspaper's eight pages include two or three pages of advertisements or paid announcements, further reducing the amount of news reported. Some articles included are the result of "cadeaux," gifts or money that supplement reporters' meager salaries.

Due to the high price of newspapers, the high rate of illiteracy, (estimated at 75 percent), high transportation costs, and the poor state of roads elsewhere in the country, newspaper distribution generally is limited to the Monrovia area. As a result, radio is the primary means of mass communication. A number of independent radio stations existed at the beginning of the year in Monrovia including Star Radio, Radio Monrovia, two commercial stations (DC-101 and Radio Monrovia), and Radio Veritas, which operated under the Catholic Archdiocese. Radio Monrovia closed in January due to insufficient funding. There also is the national station, and FM and short-wave stations operated by President Taylor's private LCN. The President's radio station is the only station with a short-wave frequency strong enough to reach all parts of the country. Radio Veritas has short-wave frequency but a limited broadcast area and antiquated equipment. There is a French broadcast through the national radio facility, a religious station, and a growing number of small local stations in cities around the country. Media practitioners believe that the ruling party funds many of these stations.

Call-in radio talk shows are popular and frequently a forum for both government and opposition viewpoints; however, they sometimes resulted in threats generally from the Government, party leaders and security agents to the radio hosts and station managers. Interviews with prominent persons are broadcast frequently.

Due to the economic situation in the country and the dependence on generators requiring expensive fuel purchases, most of the stations limited broadcasting hours and in some cases ceased operation for short periods.

In March the Government closed two radio stations (Star Radio and Radio Veritas) without due process. Shortly before their closure, both stations had been relicensed by the Ministry of Information. The order to close them came from the President, who said that the two stations' broadcasts threatened the security of the State. Radio Veritas, owned by the Catholic Church, was allowed to reopen a week after its closing, but Star Radio, which was a politically neutral FM station funded primarily through international organizations, remained closed at year's end.

Television is limited to those who can purchase sets, the generators, and fuel to provide electricity. For those persons and businesses with satellite capability, the Cable News Network is available. There are two television stations: the LCN owned by President Taylor, and the Ducor Broadcasting Corporation which is privately owned but assisted by President Taylor's generator.

Government officials criticized journalists who used the Internet to express opinions that the authorities considered too critical of the Government. For much of the year, there was no direct access to information through the Internet. Star Radio's internet operations also were closed in March. Star Radio had supplied daily news summaries to its parent foundation, which put these on the Internet. Copies also were provided to the Ministry of Information, and the Government demanded (contrary to international practice) a special licensing fee for Star Radio's transmission of news on the Internet. During a press conference in March following the Government's closure of Radio Veritas and Star Radio, President Taylor indicated that he believed "cyber-warfare" was being waged as part of an international conspiracy against the country. Many observers believe that the Government blocked the operation of potential Internet providers.

When the closure of Star Radio did not stop the negative propaganda about the country on the Internet, which was generated primarily by opposition figures abroad, the Government and the ruling party began to use the Internet to provide news and sponsored several websites. An Internet provider reemerged mid-year and opened a cybercafe that the few persons with sufficient funds can access. Because of the ties between the provider and the Government, some potential patrons believed that their use of the Internet was monitored by government security personnel and choose not to use it.

The Government generally respects academic freedom at the University of Liberia; however, on occasion the Government detained students who criticized the Government. University administrators were concerned about the militancy of student groups on campus, whose memberships include a high percentage of former combatants; however, actual physical violence was rare. At times students, whom observers believe to be paid informants, reported professors' opinions to various government officials. In July student leaders issued a statement questioning the official accounts of the seriousness of the fighting in Lofa county. In response security forces entered the Monrovia campus, took the student leaders in custody, and offered to fly them to Lofa to tour the conflict area and forced them to visit wounded soldiers hospitalized in Monrovia. The media was urged to cover this visit, after which the students were compelled to offer apologies and were released. In November student leaders released a press statement that strongly criticized the economy and urged the government to forge ties with countries that could assist national growth. They also called for the expulsion of RUF leader Sam Bockarie and for the Government to break ties with Libya and Burkina Faso. LNP director Mulbah subsequently visited the campus with armed police to convince the students they should meet with President Taylor to discuss their complaints and stated publicly that they would not be detained; however, fearing arrests, the students went into hiding. After continued public declarations by Mulbah and President Taylor that the students would not be arrested, the students came out of hiding and met with President Taylor at the end of November to discuss their complaints. The student leaders continued to be under surveillance and received warnings on a regular basis about speaking out.

Students occasionally protested the lack of resources, which they blamed more on central government appropriation practices than on the university administration.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. In May the LNP, citing security concerns, abruptly stopped a march through downtown Monrovia sponsored by PUL in observance of World Press Freedom Day. The police allowed the commemoration to continue indoors. In November President Taylor warned that while the Government would tolerate different views, it would not tolerate anarchic demonstrations in the streets; however, this warning did not result in the subsequent dispersal of any demonstrations during the year.

The Constitution provides for the right of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

There is no established state religion. However, government ceremonies invariably open and close with prayer and may include hymn singing. The prayers and hymns are usually Christian but occasionally are Muslim.

All organizations, including religious groups, must register their articles of incorporation with the Government, along with a statement of the purpose of the organization. However, traditional indigenous religious groups generally need not and do not register. The registration is routine, and there have been no reports that the registration process is either burdensome or discriminatory in its administration.

The law prohibits religious discrimination; however, Islamic leaders complained of discrimination against Muslims. Although there are some Muslims in senior government positions, many Muslims believe that they are bypassed for desirable jobs. Many Muslim business proprietors believe that the Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them. Most Mandingos, and hence most Muslims, allied with factions that opposed Taylor during the civil war and still belong to opposition parties.

In March the Government suspended Radio Veritas broadcasts, pending assurances that the station would confine itself to "purely religious matters." The station reopened a week later and resumed its previous broadcast programming. The closure was believed to be politically motivated rather than prompted by religious discrimination (see Section 2.a.). There were no Islamic-oriented radio stations and little radio broadcasting of any kind in the northern and eastern counties where the Muslim population is concentrated.

In February Muslim activist Lartin Konneh was arrested on charges of treason after he called upon Muslims to resign their government jobs in protest of the Government's inaction since the burning of five mosques in Lofa county in January (see Section 5). Konneh went into hiding and subsequently fled the country. While the Government has not taken actions openly against Muslims, its inaction over reports of abuses in Lofa county contributed to ethnic tension between Muslim and non-Muslim ethnic groups in that area of the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement throughout the country as well as the right to leave or enter; however, the Government restricted this right in practice. Security forces maintained checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion. Security forces also extorted money from returning refugees. In February and October, units of the ATB, citing security concerns, set up temporary checkpoints that interdicted traffic and visitors to a foreign embassy in Monrovia.

In June, ostensibly in order to curtail the illegal use of national travel documents, President Taylor issued an executive order that required passport applicants to obtain clearance from the National Security Agency (NSA). Opposition parties and human rights organizations criticized this directive, arguing that it violated the constitutional right of freedom of travel. Reportedly this executive order was not enforced during the year. In November the Government announced that it would no longer accept Economic Community of West African States (ECOWAS) safe conduct documents as valid travel documents for entering the country; however, reportedly this was not enforced.

As a result of the civil war, there were 157,000 IDP's in approximately 36 camps in 1997. International agencies and the Liberia Refugee Repatriation and Resettlement Commission (LRRRC) have been able to resettle approximately 126,243 displaced persons since 1998. In October the fighting in northern Lofa county further increased the number of displaced persons. There were an estimated 15,000 to 20,000 IDP's in the country at year's end. International and local NGO's faced limited funding and resources to assist these IDPs.

In October after some delays approximately 400 Liberian refugees in Guinea were repatriated to the country. By year's end, a total of 5,000 Liberians were repatriated. These refugees, who are mostly Mandingos, were resettled in the Lofa or Nimba counties where political and ethnic clashes still occurred (see Section 5).

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum to nearly 86,000 refugees, the vast majority of whom were from Sierra Leone towards the end of the year. The Government generally cooperated with the Office of the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

In June security personnel arrested seven Liberians who were returning from Guinea in a UNHCR truck (see Section 1.b.). The Government claimed that the men

were members of a dissident armed faction based in Guinea. The men have not been seen since their arrest, and NGO's and relatives believe that they were killed.

In October the UNHCR protested the recruitment of refugees by security personnel on behalf of the RUF rebels from Sierra Leone. UNHCR reported that such recruitment ceased after its protest.

Former RUF leader, Sam Bockarie, and several hundred of his supporters took refuge in Liberia early in December 1999. President Taylor denied that the Government was training the RUF fighters or that it has been supplying them with arms. He claimed that the ECOWAS leadership permitted these arrangements in order to advance the implementation of the Sierra Leone peace process. A coalition of civic, religious, and political groups repeatedly have asked for President Taylor to expel the RUF rebels and disassociate the Government from them.

In 1999 after a series of raids and attacks by security forces and dissidents bases in Guinea, a group of Sierra Leonean refugees migrated south from northern Lofa county towards another established refugee camp in Sinje. The Government cooperated with the UNHCR's efforts to assist the migration to the new location. International donors remained unwilling to send any further assistance to Lofa county, and the international and domestic NGO's are reluctant to resume operations there because of security concerns. The Government and the UNHCR established a second refugee camp in Sinje, a location easily accessible from Monrovia, to accommodate the refugees from Lofa county.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right to vote in free and fair elections, and citizens exercised this right in 1997 in elections that international observers deemed free and transparent; however, the elections were conducted in an atmosphere of intimidation, as most voters believed that military forces loyal to Charles Taylor would have resumed the civil war if Taylor lost the election. Since the legislative elections were held on the basis of proportional representation, Taylor's National Patriotic Party won control of the legislature by the same 75 percent majority that he received in the popular vote for the presidency. The 1997 legislative and presidential elections were held under a special election law in accordance with the terms of the Abuja Peace Process.

The legislature did not exercise genuine independence from the executive branch. There were 16 opposition parties, most of which had little popular support outside of the capital, and opposition legislators, who held only one-quarter of the seats in the House of Representatives and in the Senate, generally were more passive than members of the ruling NPP. Congressional committees failed to develop expertise in their respective areas of responsibility. No major legislation was enacted during the year. However, during the year, the House of Representatives refused to vote in favor of a government-sponsored rural property tax and strategic commodities act.

In August the Government indicted an opposition leader residing abroad, Ellen Johnson-Sirleaf, for treason for alleged ties to armed dissidents operating in Lofa county.

In June Vice President Enoch Dogolea died, and in July President Taylor selected Moses Z. Blah, a founding member of the ruling party, to fill the position.

The State is highly centralized. The President appoints the superintendents (governors) of the 13 counties. Municipalities and chieftaincies are supposed to elect their own officials, but elections, postponed in 1998 due to lack of funds and disorganization, were not held during the year for the same reason. Local governments at all levels have no independent revenue base and rely entirely on the central government for funds. Education, health services, and public works are provided by the central government. Local officials serve mainly to lobby the central Government.

There are no restrictions on the participation of women in politics; however, women remained underrepresented in government and politics. The number of women in high-ranking positions in the Government and in the various political parties is low. Only 5 of the 26 senators and 5 of the 64 members of the House of Representatives are female. Of the 20 cabinet positions, 4 are held by women. A woman serves as Chief Justice of the Supreme Court, and another chairs the National Reconciliation Commission. There are no women's caucuses, but the ruling party has a women's organization.

There are relatively few Muslims in government and politics; only one cabinet minister is a Muslim.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted domestic and international human rights groups to operate largely without interference; however, members of the security forces often harassed domestic democracy and human rights activists. During the year, the Government blocked efforts by a local NGO, the Catholic Affiliated Justice and Peace Commission, to investigate claims of torture at Gbatata security training base (see Section 1.c.). Government officials frequently criticized domestic human rights groups publicly. For example, in December at a pro-government rally, President Taylor criticized democracy and human rights activists and opposition leaders of destabilizing the government, and he warned that these individuals would be punished.

In November about 100 men ransacked the offices of the Center for Democratic Empowerment (CEDE) and beat former interim president and human rights defender, Amos Sawyer, and executive director of CEDE, Conmany Wesseh. Preliminary investigation by the Government revealed that former combatants were responsible; however, only seven or eight persons were arrested, and reportedly they were not the primary assailants. Numerous sources reported that the attack commenced from NPP headquarters, and that those arrested were paid by the NPP after they were released on bond. Prosecution still was pending at year's end.

In 1999 legislators from southeast counties sued a child rights advocacy group for defaming the counties reputation in its report on forced child labor (see Section 6.c.). The suit was dropped when the child rights activist who brought the suit fled the country.

Domestic human rights organizations are underfunded, understaffed, and their personnel lacked adequate training. There are three coalitions of human rights groups: The National Human Rights Center of Liberia has eight member organizations; eight other groups comprise the Network of Human Rights Chapters; and four belong to the Federation of Human Rights Organizations. All of these organizations sought to increase public discussion of human rights problems.

Some human rights groups paid regular visits to detainees at police headquarters and prisoners at the Monrovia Central Prison (see Section 1.c.). Several domestic human rights organizations have established branches outside of the capital and perform similar monitoring functions there. No discernible pattern of government interference with these activities emerged.

The Government permits international NGO's and human rights organizations to operate in the country, and a few international organizations did so during the year. In November an international democracy and human rights organization, the Carter Center, terminated its programs in the country and stated in a letter to President Taylor that it was leaving the country because of conditions in the country and the Government's poor human rights record.

The Government's Human Rights Commission, created in 1997, remained largely inactive throughout the year. It received no funding from the Government, and the Senate again failed to confirm the appointments of three of its five commissioners. The chairman of the Commission fled the country in August 1999 and is seeking asylum in another country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, discrimination exists. There are no laws against gender discrimination, ethnic discrimination, or female genital mutilation. Differences involving ethnic groups, notably the Krahn and Mandingo ethnic groups, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women is extensive; however, it was not addressed seriously as a problem by the Government, the courts, or the media. Several NGO's in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their rights.

The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-fourth of the professional and technical jobs in Monrovia. On the whole, women have not recovered from the setbacks caused by the civil war, when most schools were closed, and they could not carry out their traditional roles in the production, allocation, and sale of food.

Women married under civil law can inherit land and property; however, women married under traditional laws are considered the properties of their husbands and are not entitled to inherit from their husbands or retain custody of their children if their husbands die. Women's organizations continued to press for legislation on behalf of inheritance rights in traditional marriages. There continued to be few pro-

grams to help former combatants reintegrate into society, and there were none specifically to benefit former female combatants. However, several women's organizations advanced family welfare issues, helped promote political reconciliation, and assisted in rehabilitating both former female combatants and women who were victims of the civil war.

Throughout the year, professional women's groups—including lawyers, market women, and businesswomen—remained vocal about their concerns regarding government corruption, the economy, security abuses, rape, domestic violence and children's rights. Government officials often responded negatively to public criticism. There were credible reports of harassment and possible surveillance of outspoken critics (see Section 1.f.). In August the Justice Ministry granted power to the Association of Female Lawyers in Liberia (AFELL) to assist in the prosecution of rape cases.

Children.—The Government generally was unable to provide for the education and health of children, although it continued its nationwide anti-polio vaccination campaign during the year. Due to the poor condition of government schools, most children who attended school went to private institutions. Since many private schools still need to be refurbished due to wartime damage, school fees were increased significantly, thereby making education unattainable for many school-age children. In both public and private schools, families of children often were asked to provide their own books, pencils, and paper. At the end of 1999, 622,645 out of an estimated 1.4 million school age children were enrolled in primary and secondary schools, 263,556 of which were girls. Expenditures on education were estimated at \$6.4 million (288 million ld). In 1995 the literacy rate for boys was at 53.9 percent and girls at 22.4 percent.

Young persons were victimized seriously during the civil war. An estimated 50,000 children were killed; many more were wounded, orphaned, or abandoned. Approximately 100 underfunded orphanages operate in and around Monrovia; however many orphans live outside these institutions. The National Military Families Association of Liberia (NAMFA) tries to provide for orphaned military children; it has registered 650 street children. These institutions do not receive any government funding, but rely on public donations. Nearly all youths witnessed terrible atrocities, and some committed atrocities themselves. Approximately 21 percent (4,306) of the combatants who disarmed under the provisions of the Abuja Peace Accords were child soldiers under the age of 17. Many youths remain traumatized, and some still are addicted to drugs. The number of street children in Monrovia and the number of abandoned infants increased significantly following disarmament. NGO's and the U.N. Children's Fund continued retraining and rehabilitation programs for a limited number of former child fighters; however these children were vulnerable to being recruited in subregional conflicts, since most had no other means of support.

Children continued to be incarcerated with adults, and there were long delays in deciding cases involving minors (see Sections 1.c. and 1.e.).

Child advocacy groups reported forced child labor in the rural areas of the country (see Section 6.c.).

Female genital mutilation, which is widely condemned by international public health experts as damaging to both physical and psychological health, traditionally was performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 were subjected to FGM. A local organization, Human Rights Watch Women and Children, which does not receive government funding, launched a campaign during the year to eradicate FGM. AFELL also has spoken out against FGM.

Social structures and traditional institutions, such as the secret societies that often performed FGM as an initiation rite, were undermined by the war. While many experts believe that the incidence of FGM dropped to as low as 10 percent by the end of the war, traditional societies are reestablishing themselves throughout the country, and the increase in the incidence of FGM continued. The most extreme form of FGM, infibulation, reportedly is not practiced. The Government has taken no action against FGM.

In January a well-known 17-year-old child rights activist fled the country to escape persistent harassment of himself, his family, teachers, and high school classmates by security personnel (see Section 1.f.). He remained in self-imposed exile at year's end.

People with Disabilities.—As a result of the civil war, a large number of persons have permanent disabilities, in addition to those disabled by accident or illness. It is illegal to discriminate against the disabled; however, in practice they do not enjoy equal access to public buildings. No laws mandate accessibility to public buildings

or services. Disabled persons face discrimination particularly in rural areas. Deformed babies often are abandoned.

Religious Minorities.—Some tensions exist between the major religious communities. The law prohibits religious discrimination; however, Islamic leaders complained of societal discrimination against Muslims. The private sector in urban areas, particularly in the capital, gives preference to Christianity in civic ceremonies and observances, and discrimination against followers of other organized religion spills over into areas of individual opportunity and employment. There is an inter-faith council that brings together leaders of the Christian and Islamic faiths.

Ethnic tensions continued in Lofa County between the predominantly Muslim Mandingo ethnic group and the Lorma ethnic group. In January five mosques were burned. There was no report of a government investigation or action taken against the arsonists.

Ritual killings, in which body parts used in traditional indigenous rituals are removed from the victim, continue to occur. The number of such killings is difficult to ascertain, since police often describe deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to be the work of ritual killers. Little reliable information is readily available about traditions associated with ritual killings. It is believed that practitioners of traditional indigenous religions among the Grebo and Krahn ethnic groups concentrated in the southeastern counties most commonly engage in ritual killings. The victims are usually members of the religious group performing the ritual. The underlying religious beliefs may be related to incidents during the civil war in which faction leaders sometimes ate (and in which one faction leader had himself filmed eating) body parts of former leaders of rival factions. Removal of body parts for use in traditional rituals is believed to be the motive for ritual killings, rather than an abuse incidental to killings committed by religious group members called "heart men." Since the civil war, common criminals inured to killing also may sell body parts.

In August 1999, the Government sent a high-level delegation of the National Police to the southeastern counties to investigate reports of ritual killings. There were no reports released from this investigation.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are Negroes or of Negro descent" may be citizens or own land. Many persons of Lebanese and Asian descent who were born or lived most of their lives in the country are denied full rights as a result of this racial distinction.

The country is ethnically diverse. The population of about 3 million is made up of 16 indigenous ethnic groups and the Americo-Liberian minority—descendants of freed slaves from the United States and the Caribbean—which until 1980 dominated the government and the public sector through the True Whig party. The indigenous ethnic groups generally speak distinct primary languages, and they are concentrated regionally. No ethnic group constitutes a majority of the population.

Many members of the predominantly Muslim Mandingo minority encountered hostility when they sought to return, after the end of the civil war, to their villages in Lofa, Bong, and Nimba counties. Many Mandingos were unable to reoccupy their homes, which had been taken over by squatters. Members of the Lorma, Gio, and Mano minorities generally held all Mandingos responsible for atrocities committed by the Ulimo-Mandingo faction during the civil war. The lack of competent security forces and a fully functioning judiciary in these areas prevented many Mandingos from seeking redress.

The continuing cross-border violence in Lofa county exacerbated ethnic tensions between the Mandingos and the Lormas (see Section 1.a.).

Recent tension with the Guinean government aggravated unrest in Nimba between the Manos and Mandingos (see Section 1.a.). For example, in October in Nimbia, a property dispute between the Mandingos and members of Mano and Gio ethnic groups led to rioting, which reportedly killed four persons (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers, except members of the military and police, have the right to associate in trade unions, and workers are allowed to join unions in practice. The Constitution also provides that unions are prohibited from engaging in partisan political activity. However, government interference in union activities, especially union elections and leaderships struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the war, unions proliferated. There are 32 functioning unions organized loosely under two umbrella groups—the Federation of Liberian Trade Unions and the Congress of Liberian Trade Unions—

with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercise was extremely limited. Since the country's work force is largely illiterate, economic activities beyond the subsistence level were very limited, and the labor laws tend to favor management.

During the year, the Government strictly enforced the union registration requirements that fell into disuse during the war.

Labor laws provide for the right to strike. A decree passed by the People's Redemption Council in 1984 outlawed strikes, but it was not enforced during the year. Due to the destruction of the economy and the estimated 85 percent unemployment rate, strikes were infrequent.

In a wage dispute in February, workers at a rubber plantation in Bomi county burned some property. The dispute was settled later that month when the management of the plantation agreed to increase wages and to provide other benefits.

Labor unions traditionally have been affiliated with international labor groups such as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—With the exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference; however, these rights were largely moot during the year because of the lack of economic activity.

There are no export processing zones. All of those previously existing were destroyed during the civil war.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, this prohibition was ignored widely in many parts of the country, such as rural areas where farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. The Government denied allegations that unpaid laborers were forced to harvest crops on President Taylor's private farm.

The Constitution prohibits forced child labor; however, there were reports that it occurred (see Section 5). Some former combatants, including some in the security forces, were accused of forcing children to work in the mining industry. In 1999 a child rights advocacy group released a report on forced child labor in the southeastern counties. The advocacy group's report and that of another prominent human rights group contradicted an earlier government report that failed to find any conclusive evidence of forced child labor. Subsequently legislators from three counties sued the child rights advocacy group for defaming the counties' reputations. At year's end, the case still was pending.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 during school hours in the wage sector, but enforcement traditionally is lax. The Ministry of Labor did not make any inspections during the year and lacks the resources to carry out its mandate. Throughout rural areas—particularly where there were no schools—small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Law provides for a minimum wage, paid leave, severance benefits, and safety standards, but enforcement was targeted solely against profitable firms that generally observed these standards. Due to the country's continued economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions.

The 1977 Labor Law requires a minimum wage of approximately \$0.25 (10 ld) per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. The law requires that agricultural workers are to be paid \$1.50 (60 ld) for an 8-hour day, excluding benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The much-sought-after minimum wage jobs provided a minimal standard of living for a worker and family; however, there were very few such jobs. Families dependent on minimum wage incomes also engage in subsistence farming, small-scale marketing, petty extortion, and begging.

The Ministry of Labor did not have the resources to monitor compliance with labor laws.

The Labor Law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

Prior to 1990, there were government-established health and safety standards, enforced in theory by the Ministry of Labor. During the war, these regulations were not enforced. Even under the Labor Law, workers did not have a specific right to remove themselves from dangerous situations without risking loss of employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

MADAGASCAR

Madagascar held its second presidential election under the 1992 Constitution in 1996, following the impeachment of then-President Albert Zafy earlier that year. The election was accepted widely as free and fair, and the winner, former Second Republic President Didier Ratsiraka, took office in February 1997. An extensive revision of the 1992 Constitution was approved narrowly in a March 1998 constitutional referendum. While observers from the International Foundation for Election Systems concluded that the referendum generally was free and fair, it was marred by significant difficulties in compiling voter lists, distributing electoral cards, and other problems, which led to charges of fraud and manipulation. Although power remains formally divided between the President, his Prime Minister, the Cabinet, and a bicameral legislature (Senate and National Assembly), the revised Constitution significantly strengthened the presidency and weakened the National Assembly. National Assembly elections held in May 1998 generally were accepted as free and fair; however, there were a number of credible complaints of electoral fraud. In November 1999, nationwide communal elections were held that resulted in a near majority for the President's party, the Association for the Rebirth of Madagascar (AREMA). Other parties criticized the elections as poorly organized and fraudulent; a lack of transparency made it difficult to assess reliably the extent of abuses. A number of institutions provided for in the revised Constitution, including the Senate, a restructured judiciary, and autonomous provincial governments, still were pending at year's end. The judiciary is subject to executive influence.

The State Secretary of the Ministry of Interior for Public Security and the national police, which are under the State Secretary, are responsible for law and order in urban areas. The Ministry of Armed Forces oversees the army, the air force, the navy, and the gendarmerie. The gendarmerie has primary responsibility for security except in major cities and is assisted in some areas by regular army units in operations against bandit gangs and cattle thieves. After a number of years of decline, the military force has stabilized at about 22,000 troops, including the gendarmerie. There also are local traditional laws called "dina" that are enforced by village-level law enforcement groups, particularly in areas where the Government's presence is weak. There continued to be occasional reports that police, gendarmes, and dina authorities committed human rights abuses.

Madagascar is a very poor country. The economy relies heavily on agriculture. Agricultural exports, led by shrimp, grew 4.3 percent with vanilla, coffee, cloves, and pepper registering increases. Textiles were another major export. The smuggling of vanilla, gold, precious stones, and cattle continued to be major concerns. Overall economic performance improved, but nearly three-fourths of the population of about 14.7 million live in poverty. Living standards are low, with the annual per capita gross domestic product estimated at \$269. Foreign assistance remains a major source of national income. Inflation rose from 6.4 percent in 1998 to 14.4 percent in 1999. Unemployment and underemployment, especially among youth, remained high, although there was significant job growth in Antananarivo during the year. The Government made progress on economic reform, including privatization.

The Government generally respected citizens' human rights in several areas; however, a number of problems remained. There were occasional reports that police or other security forces mistreated prisoners or detainees. Prison conditions were harsh and life threatening. In some prisons, women experienced physical abuse, including rape. Arbitrary arrest and detention remained problems. Lengthy pretrial detention remained a major problem, and suspects often were held for periods that exceeded the maximum sentence for the alleged offenses. The Government continued a major effort to reduce the number of preventive detainees. Dina authorities imposed summary justice—including several executions—in rural areas where the Government's presence was weak, although, overall, government efforts to bring

dina authorities under closer regulation and scrutiny continued to show results. At times the Government pressured the media to curb its coverage of certain events and issues; journalists practiced self-censorship. There was virtually no political violence during the year. Women continued to face some societal discrimination. Child labor remained a problem. Some prisoners were used as forced labor. Unlike the previous year, there were no reports of trafficking in women and girls.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government forces; however, harsh prison conditions and the authorities' failure to provide adequate food and medical treatment contributed to an undetermined number of deaths in custody (see Section 1.c.).

Village dina authorities continued to mete out summary justice, and there were several cases of dina executions in the southeast.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the inviolability of the person; however, there were occasional reports that police or other security forces mistreated prisoners or detainees.

Village dina authorities continued to mete out summary judgments. Dina authorities continued to use torture to gain confessions.

Prison conditions remain harsh and life threatening. Prisoners' diets are inadequate, and family members must augment daily rations. Prisoners without relatives nearby sometimes go for days without food. Prison cells average less than 1 square yard of space per inmate. The authorities do not provide adequate medical care. The prison population of approximately 19,200 suffers a range of medical problems that are treated rarely or inadequately, including malnutrition, infections, malaria, and tuberculosis. These conditions have caused an unknown number of deaths (see Section 1.a.). There were instances in which prisoners were used as forced labor (see Section 6.c.).

Women in prisons suffered abuses, as did children who sometimes were confined with them. Gender segregation was not absolute, and rapes by other prisoners were reported.

The Government permits prison visits by the International Committee of the Red Cross, religious and nongovernmental organizations (NGO's), lawyers, and investigative journalists.

For example, a local Catholic NGO visited prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for due process for accused persons; however, arbitrary arrest and detention remain problems. In practice the authorities do not always observe legal safeguards against arbitrary arrest and detention. In particular, excessive investigative detention of suspects resulted in the denial of due process. However, as the result of international pressure, many long-term detainees were released.

By law a criminal suspect must be charged, bound over, or released within 3 days of arrest. An arrest warrant may be obtained but is not always required. Defendants in ordinary criminal cases have the right to be informed of the charges against them, must be charged formally within the specified time permitted, and must be allowed access to an attorney.

Court-appointed counsel is provided for indigent persons accused of crimes that carry a minimum 5-year jail sentence. An attorney or the accused may request bail immediately after arrest, after being formally charged, or during the appeals process, but bail rarely is granted in the case of violent crimes.

Of a prison population of approximately 19,200, about two-thirds of persons held in custody were in pretrial detention. Despite existing legal safeguards, investigative detention often exceeds 1 year, and 3 or 4 years' detention is common, even for crimes for which the maximum penalty may be 2 years or less. The accused may wait years in prison only to be exonerated ultimately in court. Poor record keeping, a lack of resources, and infrastructure problems that leave parts of the country isolated make it difficult to identify long-term pre-trial detainees. The Ministry of Justice continued a program to reduce excessive pretrial detention through case reviews and expedited judgments. Over 665 detainees have been tried and an indeterminate number of others were freed. In May the Ministry of Justice reported that over 71 percent of prisoners detained 2 years or more had been tried and over 1,200 were released. The Ministry stated that its goal was to bring the remaining

long-term detainees to trial during the year.

Although the law allows detainees to sue the Government for damages in cases of unlawful detention, no such suits were reported. By law persons accused of subversive activity may be detained incommunicado for 15 days and are subject to indefinite detention if considered necessary by the Government; however, this law was not invoked during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The revised Constitution provides for an autonomous judiciary; however, implementing legislation has not yet been passed, and the High Constitutional Court is subject to the President's influence.

The judiciary has three levels of jurisdiction: local courts for civil and criminal cases carrying limited fines and sentences; the Court of Appeals, which includes a criminal court for cases carrying sentences of 5 years or more; and the Supreme Court. The judiciary also includes courts designed to handle specific kinds of cases such as cattle theft. The High Constitutional Court is an autonomous court that undertakes technical reviews of laws, decrees, and ordinances, and certifies election results. The establishment of a number of decentralized courts, also provided for in the Constitution, awaits the creation of the Senate, which depends on the as-yet-unscheduled elections of autonomous provincial councils.

The judiciary remained under the control of the Ministry of Justice. In 1999 salaries of magistrates were raised to improve their performance, but reports of corruption in the judiciary persisted. Although efforts were underway to address the problem, a large backlog of cases remained, which contributed to excessive investigative detention. The Ministry of Justice implemented some measures to increase transparency in judicial proceedings, including posting signs outside courthouse offices specifying procedures, regulations, costs, and timelines, in addition to opening a comment and complaint log in all courts.

Trials are public, and defendants have the right to an attorney, to be present at the trial, to confront witnesses, and to present evidence. Defendants enjoy a presumption of innocence under the Penal Code.

The right of traditional village institutions to protect property and public order is codified in the Constitution as well as in earlier laws. Civil disputes within and between villages sometimes are addressed by local traditional laws called *dina*. *Dina* also are established in some urban areas. In practice, *dina* deal with criminal cases because of the isolation of many rural areas, a rise in crime, and the ineffectiveness of the police and the judiciary outside major urban centers. Punishments based on *dina* were at times severe, including several cases of executions (see Section 1.a.). There also were problems with due process in the administration of *dina* punishments.

Decisions based on *dina* are not subject to codified safeguards for the accused, but in some instances, they may be challenged at the appeals court level. Some cases also have been referred to the Office of the Mediator (ombudsman), which investigates and may seek redress from formal judicial authorities. An interministerial committee that includes the Ministries of Justice, Interior, and Armed Forces was established to improve the surveillance of *dina* authorities and assure their adherence to the law. The committee held a workshop in each of the provinces and drafted a *dina* to be applied throughout the country. After the bill was submitted to the National Assembly in 1999, the committee was disbanded. The Ministry of Justice has moved away from its earlier permissive approach to *dina* and emphasized their subordination under the formal judicial system.

The Government continued to combat crime and insecurity in isolated rural regions by augmenting the gendarmerie—traditionally responsible for law and order in rural areas—with army units. Military courts are integrated into the civil judicial system and differ only in the kinds of cases tried and in the inclusion of military officers on jury panels. Such courts have jurisdiction over some cases involving national security, including acts allegedly threatening the nation and its political leaders; invasion by foreign forces; and rioting that could lead to the overthrow of the Government. Defendants in military cases, as in civil law, enjoy an appeals process that reexamines points of law rather than the facts of the case. A civilian magistrate, usually joined on the bench by a panel of military officers, presides over military trials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respect these prohibitions in practice. Violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the Government pressures the media to curb

its coverage of certain events and issues. Opposition politicians rarely are given access to state-run media; while they do have access to private media, these do not provide the nationwide coverage of state media. In addition journalists practice self-censorship.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, local authorities sometimes deny requests by political opposition groups to assemble or march in specified locations.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

Religious groups must register and obtain authorization from the Ministry of Interior. In January 1998, an organization widely perceived to be affiliated with the Reverend Sun Myung Moon was refused registration, apparently due to concerns about its use of mind-control practices. There is no indication that the organization has reapplied for registration, nor that the Government has changed its decision.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice; however, the fear of crime effectively restricts travel in some areas, especially at night.

The country does not have a law governing refugees nor has it ratified the 1951 U.N. Refugee Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates closely with the U.N. High Commissioner for Refugees in processing the small number of refugees or asylum seekers in the country. There were no reports of the forced expulsion of persons with recognized or pending claims to refugee status. The issue of provision of first asylum has never arisen.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government through direct universal suffrage by secret ballot. Didier Ratsiraka was elected to a 5-year term as President in 1996 in the second presidential election held under the 1992 Constitution. In May 1998, the National Assembly's 150 members were elected to 5-year terms. In November 1999, communal elections were held in which the President's party, AREMA, won over 40 percent of the mayoral races. The elections were peaceful and well-organized; however, there were numerous reports of fraud. In December 1999, the High Constitutional Court recognized serious irregularities and reordered elections in five communes. The lack of transparency of the electoral process made it difficult to assess reliably the extent of abuses.

On August 25, the National Assembly passed a Law on the Autonomous Provinces, and on August 29, the President promulgated the law. The law provides for the establishment of autonomous provinces and allows for the creation of an upper house of the legislature with provincial representatives.

Under the Constitution, the President has primary responsibility for national defense and foreign policy, while the Prime Minister is the head of government and responsible for domestic policy. The President selects the Prime Minister. The Constitution gives the President the right to dissolve the National Assembly for cause. The revised Constitution retains the possibility of censure by a two-thirds majority of the National Assembly and Senate. The Senate was not established pending the creation of autonomous provinces. In September 1998, the Prime Minister pledged publicly that all of the institutions called for in the Constitution would be created by March; however, this nonbinding target date was not achieved by year's end, and the Government did not make a commitment to implement the institutions by a specified date. In August the National Assembly approved a law defining the powers of autonomous provincial governments, and the President promulgated the law with several implementing decrees. The law allows the Senate to be convened, with representatives from the provinces. However, there is concern about whether the central Government will provide the necessary resources to support the establishment of the provincial councils; furthermore, there still is confusion regarding the specific responsibilities of the provincial governments. Elections were held on December 3 in the provinces to establish provincial councils and governorships; however, the results of the provincial elections were not published and the provincial councils were not established by year's end. Under the revised Constitution,

two-thirds of the Senate's members are to be elected within the autonomous provinces, and one-third of the members are to be appointed by the President. The first senatorial elections were scheduled for March 2001.

There are no legal impediments to women's participation in government or politics, but in practice they are underrepresented in both areas. The Government of 31 ministers and state secretaries appointed in July 1998 includes 4 women. Less than 7 percent of National Assembly deputies (10 of 150) are women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials usually are cooperative and responsive to their views.

The Government is open to visits by international human rights groups and to domestic and international election observers.

Domestic election observers from local NGO's were active in the country during the year.

The Constitution provides for an independent office to promote and protect human rights. In 1994 the National Assembly assigned that role to the Office of the Mediator (ombudsman), which relies on moral suasion to correct abuses. The office publishes annual reports on its activities and distributes brochures to educate citizens on their rights and responsibilities. Its reports have outlined the rights of women and children and focused public attention on the potential for human rights violations under dina laws.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits all forms of discrimination and outlaws groups that advocate ethnic or religious segregation. No specific government institutions are designated to enforce these antidiscrimination provisions.

Women.—Violence against women is not widespread. Police and legal authorities intervene when physical abuse is reported. Only the law against rape deals specifically with sexual violence. There are no laws against sexual harassment or sexual discrimination. Women are not allowed to work in certain jobs, such as in the military or in the police. Women are not allowed to work in certain jobs, such as in the military or in the police. Women are not allowed to work in certain jobs, such as in the military or in the police.

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uled a public consultation exercise for October to discuss the implementation with concerned NGO's prior to submitting draft regulations to the Government. Interministerial review of the draft regulations was still pending at year's end.

National/Racial/Ethnic Minorities.—The Malagasy, who are of mixed Malayo-Polynesian, African, and Arab heritage, include 18 distinct groups differing in regional and ancestral affiliation. Although there are some linguistic differences, nearly all speak a dialect of the Malagasy language. None of these groups constitutes a majority of the population. There are significant minorities of Chinese and Indo-Pakistani heritage, as well as a large number of resident French nationals.

A long history of military conquest and political consolidation raised the political and economic status of highland ethnic groups of Asian origin above that of coastal groups of more African ancestry. Centralized administration and economic planning since independence has reinforced the concentration of economic and political power in the central highlands, where the capital is located. These policies feed enduring tension between coastal and highland persons. Ethnicity, caste, and regional solidarity often are factors in hiring practices.

An Indo-Pakistani community has resided in the country since the early part of the 20th century. Traditionally engaged in commerce, this community now numbers about 20,000. Relatively few of these individuals have made successful claims to Malagasy nationality, which is customarily acquired through a native-born Malagasy mother. Indo-Pakistani merchants are mistrusted widely. In past years, their shops have been looted during civil disturbances.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the 1995 Labor Code provide workers in the public and private sectors with the legal right to establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions are required to register with the Government, and registration is granted routinely. About 80 percent of the labor force of 5 million is engaged in agrarian production. Union members account for only about 5 percent of the total labor force.

There are a number of trade union federations, many of which are affiliated formally with political parties. Neither public nor private sector unions have played a major political or economic role in recent years. The Government exercises very limited control over organized labor.

The Labor Code and the Constitution include the right to strike. This right extends to export processing zones (EPZ's). Workers in essential services have a recognized but restricted right to strike, although in practice short strikes took place without reprisal. The code requires workers to exhaust conciliation, mediation, and arbitration procedures before striking, but this has not been a significant deterrent to legal strikes in practice.

Short and generally nondisruptive strikes took place over fiscal and administrative issues in some cities.

The International Labor Organization (ILO) has noted a number of instances in which the Government has failed to bring law and regulation into conformity with existing conventions or otherwise submit texts for ILO review, including those addressing forced labor, freedom of association, safeguarding of machinery, hygiene in commerce and offices, and weight limits. In most instances, these failures indicated legislative inertia rather than abuses.

Unions freely join and participate in international bodies and may form federations or confederations.

b. The Right to Organize and Bargain Collectively.—Both the Labor Code and the Constitution provide for the right to bargain collectively. The code states that collective bargaining may be undertaken between management and labor on the initiative of either party; however, collective bargaining agreements are rare in practice. The Government often is involved in the bargaining process, in part because of the large percentage of public employees who are union members.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of antiunion activity, unions or their members may file suit against the employer in civil court. Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations is hampered by a lack of staff and financial resources. Approximately 35 inspectors from the Ministry of Labor visit industrial work sites with some regularity, but most often only those located near the capital.

There are many EPZ's which are, in practice, firms operating under special import and export rules. Such firms are required to follow all pertinent labor laws and regulations, including minimum wage laws; however, the Government allegedly does not enforce its labor laws adequately in EPZ's due to inadequate resources.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code explicitly prohibits forced labor, and generally it is not known to occur; however, there were instances of prisoners being illegally “hired out” by prison officials to private enterprise. There also apparently has been systematic use of detainees and prisoners as personal servants by a substantial number of magistrates, judiciary officials, and local government figures. Some prison officials or judicial authorities have falsified records to ensure a supply of unpaid labor for themselves or other government officials. The Government prohibits forced and bonded labor by children, and it does not occur in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines a child as any person under the age of 18 years. The legal minimum age of employment is 15 years, and work by individuals under the age of 18 is prohibited at sites where there is apparent and imminent danger to health, safety, or morals. Night work also is forbidden for individuals below age 18. The Government enforces child labor laws in the small formal economic sector through inspectors of the Ministry of Civil Service, Labor, and Social Laws; however, because inspectors only cover wage earners, the enforcement of child labor laws in the informal sector is pursued through the courts. Nevertheless, child labor continued to be a pervasive problem: nearly one in three children age 7 to 14 works. In the large agricultural sector, young children work with parents on family farms at much younger ages. In urban areas, many children work as petty traders, casual transport workers, and beggars.

The Government has participated in an international program with the ILO to eliminate child labor since 1997. For example, in May over 20 labor inspectors representing all 6 provinces received training regarding the worst forms of child labor.

The law prohibits forced and bonded child labor, and it does not occur in practice (see Section 6.c.).

The age of sexual consent is 14, and although the law does not criminalize prostitution, it forbids “inciting to debauchery” of anyone under the age of 21 (see Section 5). The Labor Ministry in conjunction with the ILO conducted a national survey of child prostitution and trafficking that was ongoing at year’s end (see Section 6.f.).

Education is compulsory to the age of 14. While approximately 65 percent of primary-school-age children apparently are enrolled, only 29 percent of working children attend school (see Section 5).

e. Acceptable Conditions of Work.—The Labor Code and implementing legislation prescribe working conditions and wages, which are enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural labor.

The Government sets the minimum wage of approximately \$24 (FMG 160,156) per month for the nonagricultural private sector. This wage does not provide a decent standard of living for a worker and family and must be supplemented by subsistence agriculture, petty trade, support from relatives, or employment of other family members. Minimum wage rates are not respected always, since high unemployment and widespread poverty lead workers to accept wages at lower levels.

The standard legal workweek in nonagricultural and service industries is 40 hours, and 42^o hours in agriculture. At least one consecutive 24-hour rest period each workweek is mandated. The Labor Code sets rules and standards for worker safety and worksite sanitation. An administrative decree forbids women and minors from work that could endanger their health, safety or morals (see Section 6.d.). Ministry of Civil Service, Labor, and Social Laws officials monitor labor conditions; however, they usually are able to cover only the capital region effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. In some sectors, safety equipment is not used due to the expense of protective clothing and other safety devices. There have been no published reports on occupational health hazards or accident trends. There is no explicit right for workers to leave dangerous workplaces without jeopardizing their employment.

f. Trafficking in Persons.—The law prohibits trafficking; however, in 1999 there were reports that women and girls were trafficked to the nearby islands of Reunion and Mauritius for prostitution. No arrests or convictions have been made in connection with the trafficking. While the Government expressed concern, it lacked the resources to address this issue effectively. The Government conducted a survey on child trafficking which was ongoing at year’s end (see Section 6.d.).

MALAWI

On June 15, 1999 the Republic of Malawi held its second democratic presidential and parliamentary elections since independence in 1964. Independent observers concluded that the elections were "free and substantially fair;" however, there was limited opposition access to media and problems in registration, and the opposition appealed the result to the courts. The six parliamentary by-elections held since June 1999 have been marred by violence, allegations of vote fraud, and contested results. Constitutional power is shared between a popularly elected president and the 193-member National Assembly. In the 1999 elections, President Bakili Muluzi of the United Democratic Front (UDF) party was reelected to serve a second 5-year term, defeating Gwanda Chakuamba, the joint presidential candidate of the two leading opposition parties, the Malawi Congress Party (MCP) and the Alliance for Democracy (AFORD). The UDF has 96 seats in the National Assembly; the MCP has 61 seats; AFORD has 30 seats; and there are 5 independent members in the National Assembly. There is no clear-cut ideological difference among the three political parties. The first local government elections to select councilors and mayors, as mandated under the 1998 Local Government Act, were held on November 21. The ruling UDF won over 70 percent of the seats in the elections, which were marked by low voter turnout and opposition complaints of voter intimidation and lack of media access. The Government respects the constitutional provisions for an independent judiciary; however, the judicial system is inefficient and lacks resources.

The National Police, headed by the Inspector General of Police under the Ministry of Home Affairs, are responsible for internal security. The police occasionally called on the army for support. There continued to be credible allegations that the police committed human rights abuses.

The country is very poor, with a narrow economic base characterized by a small and highly concentrated industrial sector, low levels of foreign and domestic investment, and few mineral resources. Agriculture dominates the economy, contributing nearly half of its gross national product (GNP), and employing over 80 percent of the labor force. Tobacco, tea, and sugar crops together generate over 70 percent of export earnings, with tobacco providing the largest share (about 60 percent). There is little industry and mining, and no known economically viable deposits of gemstones, precious metals, or oil. The country is landlocked, but improved rail service to the Mozambican deepwater port of Nacala, subsequent to the December 1999 privatization of Malawi Railways, is expected to lower significantly the share of transport costs in the country's import bill. The Government continues to move forward with its multisector privatization program, and endorses private sector participation in infrastructure. Wealth remains concentrated in the hands of a small elite. Annual per capita income is approximately \$200. Average annual inflation was 44.9 percent in 1999, up from 29.7 percent in 1998.

The Government generally respected the human rights of its citizens in many areas; however, its record in other areas was poor, and serious problems remained. There were extrajudicial killings, including deaths of detainees while in, or shortly after release from, police custody. The police are known to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. Prison conditions remained harsh and life-threatening and resulted in a large number of deaths. Arbitrary arrest and detention are common, and lengthy pretrial detention is a serious problem. An inefficient and understaffed judicial system and limited resources called into question the ability of defendants to receive a timely, and in many cases, fair trial. Security forces at times infringed on citizens' privacy rights. The print media are able to report freely; however, there were a few exceptions, and there was some self-censorship. The seven private radio stations experienced relative freedom in broadcasting international news and entertainment programming; however, the Government continued to control news coverage and editorial content at the Malawi Broadcasting Corporation's two radio stations. At times police used force against demonstrators. Violence against women is common. Women continued to experience severe societal discrimination. The Government took steps in its economic development programs to assist disadvantaged women. Abuse of children remained a problem. Child labor, including instances of forced child labor, also is a problem. Mob violence triggered by anger over high levels of common crime resulted in mob executions of alleged criminals.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however there were extrajudicial killings, including deaths of detainees

while in, or shortly after release from, police custody. These deaths involved possible use of excessive force or possible negligence. There was at least one credible report that prison officials beat a prisoner to death. Both the Inspectorate of Prisons and the Office of the Commissioner of Prisons carried out investigations into the killing, though results of the investigations were not released by year's end. Seven prison guards were charged in the killing and are currently in custody. Inquests into deaths while in custody are not held routinely.

In August 1999, police shot and killed one former Eritrean detainee and wounded six others in a confrontation in Lilongwe. No action was taken against the police (see Section 2.d.).

A large number of prisoners died largely due to harsh prison conditions (see Section 1.c.).

Frustrated by inadequate law enforcement and rising crime, angry mobs sometimes resorted to vigilante justice in beating, stoning, or burning suspected criminals to death. Serial killings during a 3-month period during the year brought international attention to the country. During the course of the investigations in February and March, police detained and held approximately 25 suspects. One of the suspects died while in police custody, allegedly due to police abuse. On May 31, the Director of Public Prosecutions eventually charged 4 suspects with the killings and scheduled 19 suspects for release. Realizing the potential for mob justice or independent acts of violence against the released suspects, police and prosecutors mounted a public information campaign, including town meetings. The 19 suspects were released on June 8 and were able to return to their communities without incident. On September 16, the Director of Public Prosecutions dropped the charges against one of the four charged suspects; on October 6, two of the suspects were sentenced to death and one was acquitted.

b. Disappearance.—There were no reports of disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel, inhuman, or degrading treatment; however, police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. The Inspectorate of Prisons is an investigative body mandated by the Constitution, and the findings of its May report—the most recent document of its kind—are considered indicative of prison conditions by domestic and international nongovernmental organizations (NGO's). The report notes that techniques used by police included beatings, physical assault, and the use of wire instead of handcuffs to restrain prisoners and to force confessions. Police sometimes hide these abuses by keeping prisoners in police custody until wounds heal before turning them over to the prison system for remand. The mistreatment is partly due to the mistaken belief of many police officers that the law requires them to present a case (not just charges) to the court within 48 hours of arrest. Lack of financial resources for appropriate equipment, facilities, and training also contributed to mistreatment.

At Freedom Day celebrations on July 6, police reportedly beat demonstrators outside the official venue (see Section 2.a.).

In May police used force, including tear gas, to disperse demonstrations (see Section 2.b.).

Police continued efforts to improve investigative skills and to introduce the concept of victims' rights through workshops and other training exercises, particularly in the areas of sexual abuse and domestic violence (see Section 5). While higher ranking officials demonstrated familiarity with new standards for the humane treatment of prisoners, their subordinates commonly employed unacceptable techniques. The Government continued to seek community involvement in its comprehensive reform of the police. In 1999 Parliament created a community service alternative for some offenders. Four cities have begun pilot community service programs.

Prison conditions remained harsh and life threatening. Overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. There was at least one credible report of prison officials beating a prisoner to death (see Section 1.a.).

According to the 2000 Inspectorate of Prisons report, 140 persons died in prison between January and December 1998. Most of the deaths resulted from disease, including tuberculosis and AIDS. Between January and December 1999, a total of 213 prisoners died at Zomba central prison alone. Although women are not kept in separate facilities, they are segregated within the prison compound and tended by female guards. Although four prisons are supposed to have separate facilities for juveniles, in practice the separation is inadequate. In the other prisons, juveniles are incarcerated with adults.

The Inspectorate of Prisons, domestic NGO's, and international NGO's are permitted to make visits to monitor prison conditions without government interference. NGO's report good collaboration with prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution grants the accused the rights to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court of law within 48 hours; however, these rights seldom are respected in practice. The use of temporary remand warrants is widespread and used to circumvent the 48-hour rule. Police often resort to beatings to obtain information deemed necessary to their cases. In cases where the court determines that a defendant cannot afford to supply his own counsel, legal services are provided by the Government. With few persons able to afford legal counsel, the country's five public defenders were not sufficient to represent all indigent detainees in a timely manner. Bail frequently is granted to reduce prison overcrowding. Its use often bears only a tenuous relationship to the merits of an individual's situation. There are now over 8,000 inmates, over half of which are awaiting trial. Police are accused of arbitrary arrests due to political motives.

In February and March, police detained approximately 25 suspects in connection with a series of murders (see Section 1.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice; however, the judicial system is inefficient and is handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, a heavy caseload, and a lack of resources. The Constitution provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. The Chief Justice is appointed by the President and confirmed by the National Assembly. The President appoints other justices, following a recommendation by the Judicial Service Commission. All justices are appointed until the age of 65 and may be removed only for reasons of incompetence or misbehavior, as determined by the President and a majority of the Parliament.

By law defendants have the right to a public trial but not to a trial by jury. In murder cases, the High Court nevertheless used juries of 12 persons from the defendant's home district. Defendants also are entitled to an attorney, the right to present and challenge evidence and witnesses, and the right of appeal. However, the judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants. On July 14, the Department of Public Prosecutions, under the Ministry of Justice, hired 12 paralegals to help reduce the case backlog and assist the very small staff of 9 prosecuting attorneys. The paralegals are to serve as lay prosecutors and to prosecute minor cases in the magistrate courts.

In July 1999, the High Court concluded a training program for 48 lay magistrates and conducted training for 61 lay magistrates from September 1999 through January. Traditional court judges, absorbed into the magistrate court system, also receive some training in court procedure and the body of law that they administer. In August 1999, the High Court began a 2-month refresher-training program for traditional court judges.

In March Parliament passed the Courts Amendment Bill, which was aimed at increasing the civil jurisdiction of magistrates, simplifying small claims procedures, and giving magistrate courts jurisdiction over customary marriages. Although the law was implemented during the year, there were no documented effects of the law by year's end.

Juvenile offenders have special rights under the Constitution, including the right to be separated in custody from adults, to be treated in a manner that recognizes their age and the possibility for rehabilitation, and to be exempt from the punishment of life imprisonment without the possibility of release. However, the protection they are accorded in principle is often denied in practice, and many juvenile offenders are incarcerated with adults (see Section 1.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Government authorities generally respected constitutional provisions that protect these rights; however, army and police forces, in carrying out sweeps for illegal weapons, did not always obtain search warrants as required by law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some exceptions. Limited self-censorship still exists, in part due to habits that evolved during the country's 30-year single party political system, which ended in 1994. A broad spectrum of political and ideological opinion is pre-

sented in the country's two dozen newspapers, usually without government interference. However, the Government still threatened and harassed members of the media. At Freedom Day celebrations on July 6, police confiscated the camera of a photographer with an independent weekly and destroyed her film, allegedly for taking pictures of police beating demonstrators outside the official venue (see Section 1.c.).

At the beginning of August, the DPP dropped a 1999 case involving the arrest and 3-day detention of an editor and senior reporter of the opposition weekly *Malawi News* for "inciting to mutiny" and "publishing an article prejudicial to public safety." On August 3, the High Court ruled that the arrest was contrary to constitutional press protections.

The editor of the main opposition newspaper, *The Daily Times*, was suspended in August by the editor-in-chief and subsequently replaced by an acting editor more inclined to refrain from publishing articles critical of the Government.

The state-owned Malawi Broadcasting Corporation (MBC) dominates the radio market with its two stations, transmitting in major population centers throughout the country. News coverage and editorial content are clearly progovernment. In June four employees of MBC allegedly were suspended due to insufficient loyalty to the ruling party (see Section 4). The Office of the Ombudsman began an investigation of the incident, which was ongoing at year's end. The MBC consistently denied opposition candidates equal access to the media during the presidential and parliamentary election campaigns in violation of the law. In contrast, slogans and songs of the ruling UDF party are broadcast throughout the year. The Government began limited television broadcasting in March with editorial control similar to that on MBC radio.

There are five private radio stations. One commercial station began broadcasting in Blantyre in August 1998. A second commercial station began broadcasting in Blantyre in March. There is a rural community radio station run by local women with the help of the Malawi Media Women's Association (MAMWA). A religious station broadcasts in the capital and its environs.

In May 1999, the Government established the Malawi Communication Regulatory Authority (MACRA), an independent regulatory body, to issue broadcasting licenses for radio, television, and Internet service providers. The Government split the state-owned Malawi Posts and Telecommunication Corporation (MPTC) into the Malawi Posts Corporation (MPC) and the Malawi Telecommunications Limited (MTL) in preparation for the privatization of MTL. There are two cellular telephone service providers and seven Internet service providers. Between February and October, MACRA issued licenses to an additional nine providers that had not yet begun operations by year's end.

There were no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were instances in which police limited this right.

Authorities routinely granted official permits, which are required by law for large meetings. However, in May, police used force to disperse a peaceful demonstration, firing tear gas into an unarmed crowd that had gathered to protest the World Bank sponsored consultative group meetings in Lilongwe. At Freedom Day celebrations on July 6, police reportedly beat demonstrators outside the official venue (see Section 2.a.).

The Constitution provides for freedom of association, and the Government respects this right in practice. The Government requires organizations, including political parties, to register with the Registrar General in the Ministry of Justice. There were no reports of groups being denied registration during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Religious groups must register with the Government. There were no reports that the Government refused to register any religious group.

Some opposition politicians and clerics have raised Islam as a political issue. Citing the President's adherence to Islam, his contact with Islamic countries such as Libya and Sudan, and the building of new mosques, some opposition politicians and clerics have accused the ruling party of attempting to "Islamicize" the country. An attempt by the Government early in the year to replace "bible knowledge" in the school curriculum with the more universal "moral and religious education" course has met with widespread criticism from Christian leaders. When the President suspended the introduction of the new curriculum and returned "bible knowledge" to the curriculum, Muslim leaders rebuked him.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens have freedom of movement and residence within the country, and the right to leave and return.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol; however, there are long delays in the process. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in providing protection and assistance to refugees. According to the UNHCR, the country hosted over 3,600 refugees, primarily from the Democratic Republic of the Congo and the Great Lakes region, at the country's refugee center in Dowa. The majority of refugees reside at the Dzaleka camp, and the UNHCR estimates that between 300 and 400 new refugees arrived each month. Although the Government grants refugee status, the law does not accept refugees for permanent resettlement and does not permit them to work or study. While no legal framework exists, the Government has allowed refugees to seek both employment and educational opportunities. UNHCR, NGO's, and the Government collaborated to provide children in refugee camps with access to education. A new school was being constructed at the Dowa refugee camp at year's end.

Asylum applicants are granted hearings to make their case for asylum status. The Government denied asylum to many of the Rwandans and Congolese who either had requested asylum in another country or had the opportunity to do so.

In August 1999, the Government denied the UNHCR access to a group of 25 Eritrean detainees with fraudulent visas. Police killed one detainee and forcibly returned the remaining detainees to Ethiopia (see Section 1.a.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are able to exercise their constitutional right to vote in periodic elections. There is universal suffrage for citizens 18 years of age and older. International election observers found the June 1999 presidential and parliamentary elections to be free and substantially fair; however, the electoral process was flawed, as opposition access to the broadcast media was limited; there were registration problems in some areas of the country; and the Electoral Commission at times displayed bias in favor of the ruling party. The opposition appealed the outcome of the presidential vote, and on May 19, the High Court ruled in favor of the President. In October the Supreme Court of Appeal upheld the High Court ruling in favor of the President (see Section 2.a.).

President Muluzi, First Vice President Justin Malewezi, and a 34-member cabinet exercise executive authority. The second vice-presidency remains vacant. The executive exerts considerable influence over the legislature; the legislature follows the parliamentary system, and consequently a number of cabinet ministers also sit as Members of Parliament (M.P.'s). Although the Government and opposition have never reached agreement on the applicability of the 1997 High Court ruling that cabinet ministers cannot simultaneously sit as M.P.'s, the issue currently is not a topic of debate.

Local government elections were held on November 21 and were conducted in an open and transparent manner according to local and international observers; however, they were marked by low voter turnout, allegations of voter and candidate intimidation, and unequal access to the media. The ruling UDF won over 70 percent of the seats; opposition parties and some NGO's criticized the Government for manipulating the process.

Although the Government does not prevent the operation of opposition political parties, the parties continue to allege that the Government uses bribery and other inducements to encourage opposition party divisions and defections of key personnel to the ruling party.

There are no laws that restrict the participation of women or minorities in the political process; however, there are very few women in prominent government positions, and women are underrepresented in politics and in positions of authority in general. Four of the 34 cabinet members are women; women hold 17 of the 193 seats in the National Assembly. A citizen of European origin and several of Asian descent are sitting members of the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on

human rights cases. Government officials generally are cooperative and responsive to their views.

The Ombudsman is mandated by the Constitution to investigate and take legal action against government officials responsible for human rights violations and other abuses. The Ombudsman's freedom of action is circumscribed by legislation that requires a warrant and a 3-day waiting period to gain access to certain government records. The activities of the Ombudsman are subject to judicial review, and in a June case involving MBC employees allegedly dismissed on political grounds (see Section 2.a.), the Supreme Court upheld a constitutional provision that granted the Ombudsman discretionary authority to investigate any and all cases where it is alleged that a person has suffered injustices, except when there is a judicial remedy available (see Section 2.a.).

The Constitution provides for a National Compensation Tribunal (NCT) to adjudicate claims of criminal and civil liability against the former government. As of September, the NCT had registered over 13,000 claims, of which 4,200 have been awarded interim compensation payments. The NCT's lack of funds limits its ability to settle claims. The constitutionally mandated Human Rights Commission (HRC) is charged to monitor, audit, and promote human rights provided for under the Constitution, and to carry out investigations regarding violations of any human rights. The Human Rights Commissioners have met more than 10 times since February 1999. Despite limited resources, in February the HRC produced and published its first annual report; the report focused primarily on institution-building concerns and the 1999 elections but did not address human rights problems. The HRC also has demonstrated its independence from the Government. For example, in August the HRC released a statement criticizing a presidential decree to round up commercial sex workers, describing the decree as unconstitutional and gender biased in its targeting of women.

In December the international human rights organization, Article 19, released a report that claimed that President Muluzi, senior government officials, and UDF leaders refused to support investigations or the creation of a proposed independent commission of inquiry into human rights abuses during the Banda regime because they feared that they would be implicated.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifically provides for equal rights for women; forbids discrimination based on language, culture, or religion; and generally provides for equality and recognition before the law for every citizen; however, in practice the capacity of government institutions to assure equal rights for all citizens is limited.

Women.—Spousal abuse, especially wife beating, is common. Society has begun to take the problem of violence against women seriously. The press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. However, domestic violence seldom is discussed openly by women, reportedly even among themselves, and in part due to the lack of resources. There are no confidential shelters or facilities for treatment of women who suffer physical or sexual abuse. Police do not normally intervene in domestic disputes.

Under the Constitution, women have the right to full and equal protection by law and may not be discriminated against on the basis of sex or marital status; however, in practice discrimination against women is pervasive, and women do not have opportunities equal to those available to men. Women have significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity.

Women, especially in rural areas, historically have been unable to complete even a primary education, and are therefore at a serious disadvantage in finding employment. Accepted economic and social practice hampers the ability of women and girls to gain an education. The literacy rate among women between the ages of 15 and 45 is less than 37 percent. Male literacy in the same age group is about 45 percent.

Women often have less access to legal and financial assistance, and wives are often victims of discriminatory inheritance practices in which the majority of the estate is taken unlawfully by the deceased husband's family. Women are usually at a disadvantage in marriage, family, and property rights, but they have begun to speak out against abuse and discrimination. Households headed by women are represented disproportionately in the lowest quarter of income distribution. In a country where 85 percent of the population is rural, the majority of farmers are women; 70 percent of the rural female population farm full time. Typically, women work more hours than men to complete the same farm tasks because they rarely have comparable tools and equipment and remain responsible for all household tasks.

Women have limited access to agricultural extension services, training, and credit. Some progress has been made in all of these areas with gender training for agricultural extension workers and the gradual introduction of rural credit programs for women. The participation of women in the limited formal labor market is particularly constrained; they constitute less than 5 percent of managerial and administrative staff.

The Law Commission has undertaken a review of legislation that discriminates against women and has proposed legislation to bring the law into compliance with new constitutional standards. Based on the Law Commission's recommendations, in 1997 Parliament passed an affiliation bill that raised the minimum level of child support. In 1998 Parliament passed a wills and inheritance bill that increased widows' rights, and in June Parliament debated and passed the Employment Act, which includes a provision granting women the right to maternity leave. These laws were in effect during the year; however, only individuals who utilized the formal legal system benefited from these legal protections.

On May 5, women joined the army for the first time in noncombat positions as a result of a 1994 revision in the government directive that previously had prohibited women from military service. The Law Commission conducted a review and proposed changes in the Army Act to the Cabinet during the year that allow for the recruitment and deployment of women in the armed services. The Government is studying the possibility of allowing women to serve in combat roles.

The Government addresses women's concerns through the Ministry of Gender, Youth, and Community Services.

Children.—The Constitution provides for equal treatment of children under the law, and the Government greatly increased spending on children's health and welfare. The Government established free primary education for all children in 1994, although education is not compulsory. Girls drop out of school more frequently than boys do, and in the final year of primary school, only about 25 percent of students are girls. Despite recent significant gains in girls' access to education, large gaps remain between girls' and boys' achievement levels. However, there have been signs of improvement in education for girls. In 1999, the last year for which data is available, girls entered primary school in the same proportion as boys, although only 39 percent of secondary school entrants were female.

Well over half of the country's children live in poverty, mostly in rural areas. Children in rural households headed by women are among the poorest. A few charitable organizations attempted to reduce the number of child beggars in urban areas and find alternative care for them. The problem of street children worsened as the number of orphans whose parents died from HIV/AIDS increased. A total of 9.2 percent of children under age 15 were estimated to be orphans (426,421) and 61.4 percent of those (251,822) were orphaned due to AIDS. AIDS is expected to result in an estimated 364,450 orphans, or 72.9 percent of all orphans in the country by 2005. Such children and other orphans normally are cared for by extended family members.

Only a third of children have easy access to safe drinking water. Infant mortality is high. Child malnutrition is a serious problem.

Child labor, including instances of forced child labor, is a problem (see Sections 6.c. and 6.d.).

There are societal patterns of abuse of children. There is anecdotal evidence that a few small ethnic groups practice female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. The Government took no action against FGM during the year. The media also have begun to report on the sexual abuse of children, especially in relation to traditional practices of initiation. While rites to initiate girls into their future adult roles are still secret, information suggests that abusive practices are widespread and quite damaging. Although the age of sexual consent is 14, there is no age specified for the protection of minors from sexual exploitation, child prostitution or child pornography. The belief that children are unlikely to be HIV positive and the widespread belief that sexual intercourse with virgins can cleanse an individual of sexually-transmitted diseases, including HIV/AIDS contributes to the sexual abuse of minors.

People with Disabilities.—The Government has not mandated accessibility to buildings and services for the disabled, but one of the national goals in the Constitution is to support the disabled through greater access to public places, fair opportunities in employment, and full participation in all spheres of society. There are both public and privately supported schools and training centers, which assist individuals with disabilities. There are also several self-supporting businesses run by and for persons with disabilities. In December 1998, President Muluzi established a new cabinet-level position, the Minister of State Responsible for Persons with Disabilities, which currently is held by a disabled person.

Religious Minorities.—There are generally amicable relations between the various religious communities; however, in an isolated incident in April, Muslims and Christians clashed over the efforts of an evangelical preacher to promote an audiotape comparing the Bible and the Koran. Muslims find the tape provocative and blasphemous, and the issue remains an open point of contention between followers of the two religions.

National/Racial/Ethnic Minorities.—Citizens of African heritage are members of indigenous tribes and are not discriminated against by the Government or society. There is no legal discrimination against citizens of Asian heritage, although societal tensions exist between the communities of African and Asian origin.

Section 6. Worker Rights

a. The Right of Association.—The 1996 Labor Relations Act (LRA) governs labor-management relations. Workers have the legal right to form and join trade unions; however, union membership is low due to the small percentage of the work force in the formal sector (about 12 percent), the lack of awareness of worker rights and benefits, and a resistance on the part of many employees to joining unions. Only 13 percent of persons employed in the formal sector belong to unions. Accurate statistics on the numbers of union members are not available. Trade union rights have existed for only 7 years, and labor relations are still evolving. Employers, labor unions, and the Government lack sufficient knowledge of their legitimate roles in labor relations/disputes.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor and Vocational Training (MOLVT). As of September, 22 unions were registered. Army personnel and police may not belong to trade unions, but other civil servants are allowed to form unions. There are no unusually difficult registration procedures. Unions are independent of the Government, parties, and other political forces.

There are no restrictions on the number of union federations. There are two federations in the country: the Malawi Congress of Trade Unions (MCTU), with 19 affiliates, and the Congress of Malawi Trade Unions (COMATU), with 3 affiliates.

The LRA allows members of a registered union to strike only after all dispute settlement procedures established in a collective agreement and conciliation procedures have failed. The law requires a notice in writing to the employer and the MOLVT at least 7 days before a strike. The law also forbids the temporary replacement of labor, and allows peaceful picketing during strikes. However, members of a registered union in "essential services" do not have the right to strike. Essential services are specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population; they are determined by the Industrial Relations Court upon application by the Minister of Labor. The law provides similar procedures for lockouts. Laws do not specifically prohibit retaliation against strikers. There is no prohibition on actions against unions that are not registered legally. Arbitration rulings are legally enforceable.

Unions may form or join federations and have the right to affiliate with and participate in international workers' organizations, with the permission of the Government.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. The LRA requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level. The LRA requires at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions include wage negotiation, dispute resolution, and industry-specific labor policy development. Collective agreements are binding legally, and both parties must deposit them with the Registrar of Trade Unions.

The law prohibits antiunion discrimination by employers and requires that employers reinstate workers dismissed because of union activities.

Parliament approved legislation to establish export-processing zones (EPZ's) in 1995. At year's end, 25 firms held licenses to operate under EPZ status, and all were operational. The full range of labor regulations applies to the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, and such labor generally is not used; however, there are allegations that some large agricultural estates engage in the practice.

The law does not prohibit specifically forced and bonded labor by children; however, at least one local NGO has reported that in urban areas it is not uncommon to find young girls working as domestic servants, receiving little or no wages, and existing in a state of indentured servitude.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution defines children as persons under 16 years of age. It prohibits the employment of children in work that is hazardous, harmful, or interferes with their education. Significant child labor in agricultural work and domestic service occurs largely as a result of extreme poverty and long-standing cultural traditions. Primary education is free and universal, but not compulsory. Budgetary constraints largely preclude minimum work age and child labor law enforcement by police and MOLVT inspectors. There is significant child labor on tobacco and tea farms, subsistence farms, and in domestic service. There is no special legal restriction on children's work hours.

In October the Ministry of Labor began a 12-month International Labor Organization (ILO) funded study to establish the magnitude of child labor and to use the results as a basis for drafting an action plan to implement ILO Convention 182 on the worst forms of child labor.

The law does not prohibit forced and bonded labor by children specifically, and there was at least one report that it occurs (see Section 6.c.).

e. Acceptable Conditions of Work.—The MOLVT sets separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advisory Board (TWAB) composed of representatives of labor, government, and the private sector. However, the TWAB has encountered problems due to inefficient organizational structure and inadequate funding, which hindered timely and accurate revision of the wage rate recommendations. The urban minimum wage amounts to about \$0.69 (MK 55) per day; in all other areas it is roughly \$0.51 (MK40.70) per day. Although minimum wage rates were raised on December 1, they remain insufficient to provide a worker and family with a decent standard of living. Wage earners tend to supplement their incomes through farming activities. The MOLVT lacks the resources to enforce the minimum wage effectively. However, the minimum wage largely is irrelevant for the great majority of citizens, who earn their livelihood outside the formal wage sector.

The maximum legal workweek is 48 hours, with a mandatory weekly 24-hour rest period. The laws require payment for overtime work and prohibit compulsory overtime. In practice employers frequently violate statutory time restrictions.

The law protects foreign workers in correct legal status. Illegal foreign workers are subject to deportation.

In 1998 the Government issued a revised "policy statement and new guidelines" for the issuance and renewal of employment permits (the temporary employment permit or "TEP") for foreigners that underscored its desire to make such permits readily available to foreigners. The guidelines state that investors may employ foreign personnel in areas where there is a shortage of "suitable and qualified" citizens. The guidelines also mandated that processing times for TEP applications shall not exceed 40 working days. There were no reports of complaints concerning TEP's during the year.

Mechanisms for protecting internationally recognized worker rights are weak. There are serious manpower shortages at the Ministry of Labor; as a result, there are almost no labor standards inspections.

The Workers' Compensation Act includes extensive occupational health and safety standards. Enforcement of these standards by the MOLVT is erratic. Workers—particularly in industrial jobs—often work without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. However, given the low level of education of most workers and the high level of unemployment, they are unlikely to exercise this right.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country during the year.

MALI

Mali is a constitutional democracy, which continued to implement a decentralized form of government. President Alpha Oumar Konare was reelected to a second 5-year term in 1997. A collective of 12 opposition parties boycotted the 1997 presidential and legislative elections, which were administratively flawed but considered generally free and without evident fraud. The opposition parties claimed that the elections were unconstitutional because the Government failed to carry out annual

updates of electoral lists; however, some opposition candidates chose to participate by running as independents. The ruling Alliance for Democracy in Mali (ADEMA), led by President Konare, dominates the National Assembly, which includes representatives of opposition and ADEMA-aligned parties. In August the National Assembly approved changes to the Constitution and approved changes to the electoral law. The process of amending the Constitution, the electoral law, and other texts began during a National Political Forum in January that involved political parties, civil society, and the Government. The Constitution provides for an independent judiciary; however, in practice the Government continues to exert influence on the judiciary.

Security forces are composed of the army, air force, Gendarmerie, the National Guard, and the police. The army and air force are under the control of the civilian Minister of the Armed Forces and Veterans, as are the Gendarmerie and the National Guard. The police are under the Ministry of Security and Civil Protection. The police and gendarmes share responsibility for internal security; the police are in charge of urban areas only. The Government completed the process of integrating elements of former Tuareg rebel forces into its armed forces in 1999.

Mali is a very poor country with a market-based economy. Most of the work force is employed in the agricultural sector, particularly farming and animal husbandry. The country's principal exports are cotton, livestock, and gold. There is a very small industrial sector, largely based on the manufacture of textiles, beverages, and processed food products. The gross national product is approximately \$255 per capita, which provides most of the population with a low standard of living. The economy depends heavily upon foreign assistance. Desertification, deforestation, soil degradation, and social limitations, including a current estimated literacy rate of approximately 30 percent (48 percent for men and 12 percent for women) and a high population growth rate (2.8 percent), contribute to poverty. Poor infrastructure, minimal foreign investment, administrative inefficiency, and corruption are also important factors in limiting economic growth.

The Government generally respected its citizens' human rights; however, problems remained in several areas. Security forces reportedly tortured and killed two suspects in custody. The Government did not release the results of an investigation into the incident by year's end. Prison conditions remained poor. Prolonged pretrial detention is sometimes a problem. The judicial system's large case backlog resulted in long periods of pretrial detention and lengthy delays in trials. The judiciary continued to be subject to executive influence, and there were reports of corruption in the courts. Domestic violence against women was widespread. Discrimination against women persisted, and social and cultural factors continued to limit sharply economic and educational opportunities for most women. Female genital mutilation (FGM) is widespread, although educational campaigns against FGM are underway. Child labor is frequent in agriculture and domestic areas. Children were trafficked into forced labor in Cote d'Ivoire; the Government returned a number of these children to their families during the year. Hereditary servitude relationships continued to link different ethnic groups.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by security forces during the year; however, there was a report that security forces committed extrajudicial killings. Following the February murder of 3 tourists in Kidal, the Government questioned at least 40 persons and detained 9 in connection with the murders. Three suspects reportedly died while being transported to jail; there were reports that soldiers tortured and killed two of the suspects (see Section 1.c.). Three other suspects remained in detention at year's end (see Section 1.d.). The Government initiated an investigation into the incident, but it had not released the results by year's end; no action had been taken against the soldiers.

Individuals accused of seeking to disrupt the June 1998 elections in Segou by throwing a grenade into the courtyard of the regional representative of the electoral commission were released from prison in 1999. During that 1998 attack, a deputy chief commissioner's daughter was killed and several other persons were wounded. On October 12, 1999, the detainees were released provisionally to await arraignment and trial; during the year, the case was dismissed.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that soldiers tortured and killed two suspects arrested in connection with the February murder of three tourists (see Section 1.a.).

Some police and gendarmes extorted bribes at vehicle checkpoints (see Section 2.d.).

Prison conditions are poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were limited. In Bamako juvenile offenders usually are held in the same prison as adult offenders, but they are kept in separate cells. Women are housed in the same prison facility as men, but they live in a separate compound. In regional prisons outside the capital, men and women are housed in the same building but in separate cells. In these facilities, children share cells with adult prisoners of the same sex; however, there were no reports that women or juveniles were abused by other inmates or by guards. The Judiciary Forum meeting of civil society representatives held in 1999 concluded that prison conditions remained poor; however, the 1999 Democracy Forum noted that the Government had taken some steps to improve the conditions for detainees, including opening separate facilities for the reeducation of young offenders and training programs for guards on the rights of detainees. The Democracy Forum again discussed prison conditions at its December 10 meeting, although not in extensive detail. It noted improvements in medical attention and food quality.

The Government permits prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Jurists, and other nongovernmental organizations (NGO's) have visited prisoners and are working with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit imprisoned leading members of the former government.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and, in general, the Government does not employ them. However, in February authorities questioned at least 40 persons and arrested 9 suspects in connection with the murder of 3 tourists. According to unconfirmed reports, soldiers tortured and killed two of the suspects (see Section 1.a.); three of the suspects remained in detention. The Government issued warrants for murder, but the investigation continued at year's end.

The Constitution provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees are not always charged within the 48-hour period. Moreover, administrative backlogs and insufficient lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals have remained in prison for several years before coming to trial.

Judicial warrants are required for arrest. Local lawyers have estimated that about half of prison inmates are pretrial detainees. This judgment was confirmed in March 1999 during the Judiciary Forum seminar. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion the authorities released defendants on their own recognizance.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continues to exert influence over the judicial system. The Ministry of Justice appoints and has the power to suspend judges; it supervises both law enforcement and judicial functions. The President heads the Superior Judicial Council, which oversees judicial activity. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. The Government launched a campaign against corruption early in the year that led to the detention of many government senior civil servants, businessmen, and political leaders from all parties. At year's end, they still were detained and under investigation.

The Supreme Court has both judicial and administrative powers. The Constitution established a separate Constitutional Court that oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials are public, and defendants have the right to be present and have an attorney of their choice. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys are provided for the indigent without charge. The village chief in consultation with the elders decides the majority of disputes in rural areas. If these decisions are challenged in court, only those found to have legal merit are upheld.

In 1997 former President Traore, his wife Mariam, and former customs commissioner Douah Abraham Sissoko, who were placed under detention following the fall of the Traore regime in 1991, were charged with "economic crimes," including "abuse of a position of power" and "illicit enrichment." They had been convicted and

sentenced to death in 1993, but President Konare commuted their sentences to prison terms in December 1997. The trial in their cases and similar cases involving five other senior officials of the Traore regime began in October 1998. Traore, his wife Mariam, and Sissoko were convicted and sentenced to death in January 1999; these sentences also were commuted in 1999, and they are serving life sentences. In August Traore and his wife were released in order to travel to Algiers for medical treatment; they returned after they received treatment, and they remained in prison at year's end. Imprisoned former government leaders also receive nondiscriminatory medical treatment.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, and the Government generally respects this right in practice. Police searches are infrequent and require judicial warrants. However, security forces maintain physical and technical surveillance of individuals and groups believed to be threats to internal security, including surveillance of telephone and written correspondence of individuals deemed by a magistrate to be a threat to national security. There were no reports of such government surveillance during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Superior Council of Communication (CSC) was installed officially in 1994, although it was created in 1992. The CSC's primary function is to regulate the media, both protecting and controlling journalists. The Committee of Equal Access to State Media is activated during election campaigns. Mandated by the Constitution, it oversees equal access to the government-controlled media for all political parties.

There are more than 100 private newspapers and journals in French, Arabic, and local languages throughout the country, and there are as many as 30 newspapers in Bamako. There are seven daily newspapers: six are privately owned, of which one, *Les Echos*, is allied with the ruling party, and one is government controlled (*L'Essor*). All newspapers must be registered with the Ministry of Communications; however, registration not complicated and can be completed quickly.

The Government controls the only television station and 1 of more than 100 radio stations; however, all present a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians. The relative expense of newspapers and television, coupled with a low literacy rate, makes radio the most prevalent medium of mass information and communication. There are as many as 15 private radio stations in Bamako, and there are approximately 115 additional stations throughout the country. As well as commercial radio stations, private radio broadcasters include those run by associations and others directed toward smaller villages (the latter two radio services enjoy special tax advantages).

A number of foreign broadcasters operated in Bamako either through local media or a chosen affiliate. These included Radio France International, African No. 1, the British Broadcasting Corporation, Voice of America, and Radio Netherlands; all have FM frequencies.

There are no private television stations that broadcast domestically produced programs. The legal framework for private television has been in place since 1992; however, the Government still is developing the fee schedules. The Government made no progress toward private television licensing during the year.

The Government does not censor print, broadcast, or electronic media, which frequently offer editorials critical of both the Government and the opposition. Laws passed in 1993 regulate the press and provide for substantial criminal penalties, including imprisonment, for libel and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation. However, the Government never has prosecuted journalists on criminal libel charges. No journalists were arrested on libel charges during the year. In August the National Assembly approved a proposal to eliminate imprisonment as a punishment for libel charges; however, at year's end, the proposal had not been implemented as law.

Domestic reception and distribution of foreign satellite and cable television is permitted and fairly widespread, especially in Bamako. Eight domestic servers provide access to the Internet. Licenses to operate Internet servers are granted freely and are not prohibitively expensive.

The Government generally respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were a few exceptions. The law requires groups that wish to hold

public meetings to obtain the mayor's permission; however, such permission was granted routinely during the year.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The law allows for religious practices that do not pose a threat to social stability and peace. The Constitution declares the country a secular state.

The Government requires that all public associations, including religious associations, register with the Government. However, registration confers no tax preference and no other legal benefits, and failure to register is not penalized in practice. The registration process is routine and is not burdensome. Traditional indigenous religions are not required to register.

The Minister of Territorial Administration and Security can prohibit religious publications that he concludes defame another religion; however, there were no reports of instances in which publications were prohibited.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. The Government generally does not restrict internal movement and does not restrict international travel; however, police routinely stop and check both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes use the occasion to extort bribes.

A 1998 law conforms to the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As a follow-up to this law, in December 1998 the Government created a national committee in charge of refugees. The committee began operations in January 1999 with institutional assistance from the office of the U.N. High Commissioner for Refugees (UNHCR). The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum for refugees.

According to both UNHCR and government estimates, there were approximately 11,000 Mauritians refugees, mostly Fulani herders, living in the Kayes region of western Mali at year's end. However, the UNHCR, Mauritania, and Mali never have agreed on recognition of the refugee status of these persons, who have lived in the country for nearly a decade; members of these pastoralist border groups historically make cross-border migrations. Throughout 1998 the UNHCR provided some limited material assistance and incentives to pastoralists of Mauritanian origin to return to Mauritania. In June 1999, the UNHCR completed its assistance to such persons, which consisted of community support at their living sites as opposed to repatriation assistance. Mauritians may register for refugee status, although few actually do.

The country hosted approximately 1,900 urban refugees as of November 1999; four-fifths are from Sierra Leone and 90 percent are in Bamako. The Government opened a transit center in 1998 located 120 miles from Bamako, where it hosts approximately 100 of the most vulnerable refugee and asylum applicants. The center has a capacity of approximately 300 persons that could be expanded to hold 900.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government and do so through periodic elections. In 1997 citizens elected President Alpha Oumar Konare to a second 5-year term by secret ballot in elections that were open to all and free of evident fraud and manipulation. Konare won 96 percent of the vote, but voter turnout was reportedly 20 to 25 percent; most opposition parties boycotted the election, citing flaws in the voter registration system. The opposition continued to contend that the Government failed to carry out constitutionally mandated annual electoral list revisions and that, therefore, the elections should be declared invalid; however, the issue was not pursued during the year.

All political parties agreed to participate in and to prepare for elections scheduled for 2002. The process of amending the Constitution, the electoral law, and other texts began during a National Political Forum in January that involved political parties, civil society, and the Government. In August the National Assembly approved changes to the Constitution and approved changes to the electoral law. Pursuant to these changes, legislative elections will provide a mixed system that allows for 110 deputies to be elected by majority vote from electoral district lists and 40 to be elected on a proportional basis from a national list. The constitutional amend-

ments and the revised electoral law must be approved by referendum; the referendum is scheduled for September 30, 2001.

Under the Constitution, the President is Chief of State and Commander in Chief of the armed forces and is elected for a term of 5 years with a limit of two terms. The President appoints the Prime Minister. Additionally, the President appoints other members of the Government and sets limits on their powers. He names civil servants (national directors, regional government delegates, and others) and high military officers as mandated by the Constitution. The President also promulgates laws within 15 days, following transmission to the Government of a final adopted text. He can veto and return legislation to the National Assembly for reconsideration. There is no provision for the National Assembly to override a presidential veto. The President may submit any question of national interest to a referendum after consultation with the Constitutional Court. He exercises the power of pardon and can grant amnesty. The President may dissolve the National Assembly and call for new elections, although not in the year following legislative elections. Theoretically, he can declare a state of emergency and rule by decree, although President Konare has never done so.

National Assembly members were elected in 1992 and 1997. The Constitutional Court cancelled the results of the initial 1997 legislative elections, citing flaws in the electoral process. These elections were repeated later in 1997, and the results were implemented. Citing problems in the voter registration process, a collective of 18 opposition parties boycotted these elections, which, although administratively flawed, were considered by most independent observers to be generally free and without evident fraud. ADEMA holds 130 of 147 seats in the National Assembly, with 12 held by allied parties and 5 held by opposition parties.

The Government instituted far-reaching administrative reforms during 1999. As of September 1999, governing authority is shared by elected mayors in the 701 communes (including the 19 cities), and appointed officials ("commissaires du gouvernement") who are the representatives of the central Government in the District of Bamako, the regions, and the cercles (districts roughly equivalent to counties). Local governments benefit from central government subsidies, but they also are able to collect local taxes to support their operations. Decentralization is still a controversial issue. The process has changed traditional power relationships between government and governed and has relieved formerly powerful civil servants of their authority. The new administrators often are inexperienced and undereducated. Despite governmental pressure to move ahead with decentralization, the non-parliamentary opposition says that the Government is moving too fast, and it should implement the process step by step as administrators lack adequate funding to govern effectively.

After local elections in 1998 held to choose council members (who oversee the activities of mayors in the communes and suggest procedures and policies) for the 19 urban communities, the long-awaited rural elections were carried out in May and June 1999. Several opposition parties that had boycotted earlier elections participated in the rural elections with considerable success. In two communities (Kidal and Almoustarat), council members could not elect a mayor due to intercommunity disputes. In Kidal local traditional authorities prevented the woman who was elected as mayor from assuming office. These conflicts were solved during the year, and in June the local communities in Kidal and Almoustarat appointed mayors by consensus.

There are no restrictions, legal or otherwise, on voting by women or minorities; however, women are underrepresented in government and politics. A total of 18 women hold seats in the 147-member National Assembly, compared with 3 elected in 1992. There are 7 female cabinet members of a total of 21. Members of historically marginalized pastoralist ethnic minorities, including the Fulani and the Tuaregs, occupy seats in both the Cabinet and National Assembly. The President of the Assembly is Fulani (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Independent human rights organizations—including the Malian Association for Human Rights (AMDH), a smaller Malian League of Human Rights, and a local chapter of Amnesty International (AI)—operate openly and without interference from the Government. The ICRC has offices in Bamako, Tomboctou, and Gao.

Since 1994 the Government has held an annual Democracy and Human Rights Forum in December to which it has invited citizens to voice discontent and grievances against the Government publicly in the presence of the media and international human rights observers. The events are well attended by local citizens from all walks of life, and discussion is free and open. Held on December 10, the Democ-

racy Forum convened to review the previous year's work and to make recommendations to the Government. The topics for discussion included women's rights, access to government services, and judicial reform. The Forum called on the Government to make these issues a priority in the coming year.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on social origin, color, language, sex, or race, and the Government respects these provisions in practice; however, social and cultural factors give men a dominant role.

Women.—Violence against women, including spousal abuse, is tolerated and common; however, no statistics were available on the extent of the problem. Assault in marriage is a crime; however, police were reluctant to enforce laws against domestic abuse.

Women's access to employment in the professions and government, and to economic and educational opportunities, traditionally has been limited. A 1995-96 national demographic and health survey found that 81 percent of women (compared with 69.3 percent of men) between the ages of 15 and 49 received no education. A 1998 report indicated that national literacy rate was 12 percent for women over 15 years of age. Women constitute approximately 15 percent of the labor force. The Government, the country's major employer, pays women the same as men for similar work. Women often live under harsh conditions, especially in rural areas, where they perform difficult farm work and do most of the childrearing. Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevent women from taking full advantage of the law. Prospective spouses choose between polygynous and monogamous marriages; both parties must consent to the marriage. However, when no preference is specified in the marriage certificate, judges assume that the marriage is polygynous. A community property marriage must be specified in the marriage contract. Traditional practice discriminates against women in inheritance matters.

Women have equal access to military service, and there are approximately 2,500 women and 8,000 men in the armed forces. Service in the armed forces is not obligatory; there is alternative national service available both to men and women.

In 1996 the Government launched a 4-year national plan of action for the promotion of women. The plan, financed by national, regional, and local community budgets, seeks to reduce inequalities between men and women in six target areas, including education, health, and legal rights. Despite its initial 4-year mandate, the plan is not close to completion, and it was not extended officially during the year; however, it continued to influence government project development.

There are numerous, active women's groups that promoted the rights of women and children. Women have very limited access to legal services. They are particularly vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights.

Children.—Although by law primary education is compulsory and free through the sixth grade, only 50 percent of children receive a basic education. Literacy rates among females remain significantly lower than for males. There is a low degree of adherence to the requirement for compulsory education, a lack of primary schools, poverty, cultural tendencies to place less emphasis on education for girls, and the fact that most of the population live in rural areas.

There is no constitutional or legal provision to protect the interests and rights of children, and there is no juvenile court system. However, the Malian Social Services Department investigates and intervenes in cases of reported child abuse or neglect. According to local human rights organizations, reported cases are rare; however, statistics are unreliable.

There were credible reports that children were sold into forced labor in Cote d'Ivoire (see Sections 6.c. and 6.f.).

Female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, is still common, especially in rural areas, and is performed on girls at an early age. According to domestic NGO's, approximately 95 percent of adult women have undergone FGM. The practice is widespread among most regions and ethnic groups, is not subject to class boundaries, and is not religiously based. There are no laws against FGM, and the Government has not proposed legislation prohibiting FGM. The Government is pursuing a program of public awareness rather than legal prosecution of women involved in the practice. It supports educational efforts to eliminate the practice through seminars and conferences and provides media access to proponents of its elimination. In 1997 the Ministry for the Promotion of Women created a National Committee Against Violence Towards Women that links all the NGO's active in pre-

venting FGM. Throughout the year, various NGO's campaigned against FGM. In 1999 the Government instituted a two-phased plan to eliminate all forms of FGM by 2008. The first phase, scheduled for 1999-2004, is intended to be one of education and dissemination of information. There has been some public dissemination of information in urban areas, but the program has developed slowly.

People with Disabilities.—There is no specific legislation protecting the rights of the physically or mentally disabled, nor mandating accessibility. The Government does not discriminate against the physically disabled in regard to employment, education, and other state services; however, the Government has not made provision for the disabled in these areas. There is no societal discrimination against the disabled; however, in view of the high unemployment rate, the physically disabled often are unable to find work.

National/Racial/Ethnic Minorities.—The population of about 10 million is ethnically, culturally, and regionally diverse. Major ethnic-cultural groups include: the Mande, concentrated in the southwest, which constitutes about half the population and includes the Bambara and Malinke ethnic groups; the Voltaic, concentrated in the south and comprising the Bobo and Senoufo groups; the Sudanic, concentrated in the central regions and comprising the Sarakole, Songhai, Dogon, and Bozo groups; and the pastoralist, comprising the Tuaregs and Moors of the northeast and northwest, respectively, and the Peul (or Fulani) widely dispersed from east to west across the southern third of the country.

Longstanding tensions between the long-marginalized Moor and Tuareg pastoralist groups and the more populous nonpastoralist groups have been a leading source of political instability and violence, including the Tuareg rebellions of the early 1990's. In June and July 1999, there were two violent incidents over natural resource management between Fulani herders and Sarakole farmers in the western region of Kayes bordering Senegal and Mauritania. A dozen persons were killed, and several were wounded. Clashes between Arab and Kounta communities in September 1999 resulted in the death of 33 persons, with several others wounded. In both cases, traditional and parliamentary mediators negotiated peace between the parties in conflict. There were no further incidents during the year.

No single ethnic group predominates in either the private sector or the public sector. All three presidents since independence have been affiliated with the Bambara group, which accounts for roughly half of the country's population, but no ethnic group holds disproportionate numbers of government positions or predominates in the military or civil service. Political parties, by and large, do not have readily identifiable ethnic bases, but some reflect regional constituencies.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code specifically provide for the freedom of workers to form or join unions and protect freedom of association. Only the military, the Gendarmerie, and the National Guard are excluded from forming unions. Virtually all salaried employees are organized. Workers have established independent unions for teachers, magistrates, health workers, and senior civil servants, and most are affiliated with the National Union of Malian Workers (UNTM) confederation. The UNTM has maintained its autonomy from the Government.

There are two major labor federations, the UNTM and the Syndicated Confederation of Malian Workers (CSTM). The UNTM, formerly the only major labor body, split in late 1997, dividing the country's 12 labor organizations into 2 federations.

The Constitution provides for the right to strike, although there are restrictions in some areas. For example, civil servants and workers in state-owned enterprises must give 2 weeks' notice of a planned strike and must enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor. The Labor Code prohibits retribution against strikers, and the Government respects this requirement in practice. The International Labor Organization (ILO) requested the Government to amend Section 229 of the 1992 Labor Code to restrict the Minister of Labor's authority to impose arbitration to end strikes that were liable to cause an acute national crisis. The Government noted in its report to the ILO that it was undertaking an in-depth, tripartite discussion on Section 229 to make the legislation fully consistent with the principles of freedom of association; at year's end, the review was ongoing.

During the year, there were strikes in the transportation, cotton growing, and public sectors for better conditions and higher wages. In all cases, the Government negotiated in good faith, and the strikes ended peacefully. In July judges went on strike to demand better working conditions. The strike ended when the Government agreed to renegotiate salaries and provide security for judges who believed that they were threatened because of their work.

Unions are free to associate with and participate in international bodies. The union representing salaried employees regularly participated in programs sponsored by French labor unions. Other unions have participated in various programs sponsored by international unions.

b. The Right to Organize and Bargain Collectively.—The growth of independent unions has led to more direct bargaining between these unions and their employers. However, wages and salaries for workers belonging to the UNTM unions are set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the federation of employers of the sector to which the wages apply. Salary levels are pegged nationally to an index established by the Government on which civil service pay is based. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor acts as a mediator in labor disputes. The 1997 split in the UNTM did not change the basic procedures of these negotiations.

Neither the Constitution nor the Labor Code addresses the question of antiunion discrimination, but there have been no reports or complaints of antiunion behavior or activities. If the parties cannot come to agreement, the dispute goes to the Labor Court for decision.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, organized traffickers sold Malian children into forced labor in Cote d'Ivoire (see Section 6.f.).

The law prohibits the contractual use of persons without their consent; penalties included a fine and hard labor. The penalties increased significantly if a minor, defined as someone under 15 years of age, was involved.

Although there have been no other reports of forced or bonded child labor, apprenticeship, often in a family member's or a parent's vocation, begins at an early age, especially for children unable to attend school.

There were some reports that the de facto slavery long reported to have existed in northern salt mining communities has evolved toward wage labor in recent years; however, reliable current evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships link different ethnic groups, particularly in the north. For example, there is a hereditary service relationship between members of the Bellah ethnic group and other Tuareg populations.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1996 Labor Code has specific policies that pertain to child labor. The authorities enforce the Labor Code provisions through the use of labor inspectors from the Ministry of Employment, Public Service, and Labor who conduct surprise inspections and complaint-based inspections; however, resource limitations restrict the frequency and effectiveness of oversight by the Labor Inspection Service, and the Service operates only in the modern sector.

The Labor Code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children between the ages of 14 and 16 may work up to 4^o hours per day with the permission of a labor inspector, but not during nights, holidays, or Sundays. Children between the ages of 16 and 18 may work in jobs that are not physically demanding; boys may work up to 8 hours per day and girls up to 6 hours per day.

These regulations often are ignored in practice. Moreover, the Labor Code has no effect on the vast number of children who work in rural areas, helping with family farms and herds, and on those who work in the informal sector, for example, as street vendors. These children are not protected by laws against unjust compensation, excessive hours, or capricious discharge.

The Government ratified ILO Convention 182 on the worst forms of child labor on July 14. The Programme National de Lutte contre le Travail des Enfants au Mali, led by the International Program for the Elimination of Child Labor (IPEC)-Mali, is responsible for investigating abusive forms of child labor. IPEC relies on labor inspectors appointed by the Government in Bamako and in regional offices in the country. IPEC also was assisted by NGO's combating child labor and government regional offices in charge of the promotion of women and children. Government resources include inspectors, NGO's, and IPEC funding. There is no predetermined number of inspections per year; however, investigations are held when information is provided by NGO's or the media that there is an instance of abusive child labor.

Education is free and, in principle, is open to all, although the majority of students leave school by the age of 12. Students must provide their own uniforms and school supplies to attend public schools. While primary school is compulsory, only 50 percent of children receive a basic education. Child labor predominates in the agricultural sector and, to a lesser degree, in crafts and trades apprenticeships, and cottage industries.

The Labor Code prohibits forced or bonded child labor; however, Malian children were sold into forced labor abroad by organized traffickers, and apprenticeship begins at an early age (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Labor Code specifies conditions of employment, including hours, wages, and social security; however, in practice many employers either ignore or do not comply completely with the regulations. The national minimum wage rate, set in 1994, is approximately \$40 (26,000 CFA francs) per month. Workers must be paid overtime for additional hours. The minimum wage does not provide a decent standard of living for a worker and family. The minimum wage is supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, in practice most wage earners support large extended families and must supplement their income by some subsistence farming or work in the informal sector.

The normal legal workweek is 40 hours (45 hours for agricultural employees), with a requirement for at least one 24-hour rest period. The Social Security Code provides a broad range of legal protection against hazards in the workplace, and workers' groups have brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. However, with high unemployment, workers often are reluctant to report violations of occupational safety regulations. The Labor Inspection Service of the Ministry of Labor oversees these standards but limits enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers' safety and was funded insufficiently for its responsibilities. Workers have the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary.

f. Trafficking in Persons.—While the law does not specifically prohibit trafficking in persons, there are laws that prohibit the contractual use of persons without their consent; however, children are trafficked for forced labor in Cote d'Ivoire. An estimated 15,000 Malian children between the ages of 9 and 12 have been sold into forced labor on the cotton, coffee, and cocoa plantations of northern Cote d'Ivoire over the past few years; an even greater number have been pressed into domestic service. Organized networks of traffickers deceive the children and their families into believing that they will be given paid jobs outside of their villages. They then are sold to plantation owners for sums ranging from \$20 to \$40 (10,000 to 20,000 CFA). According to media reports the children are forced to work 12 hours per day without pay, and often they are abused physically.

Penalties for violations of the law prohibiting forced contractual labor include a fine or hard labor; penalties increase if a minor is involved; however, these penalties were not applied during the year. The problem of trafficking is handled by both the Ministry for the Promotion of Women, Children, and the Family and the Ministry of Employment, Public Services, and Labor; however, there is no specific program of protection for victims. Both ministries in coordination with the Ministry of Foreign Affairs and the Ministry of Territorial Administration have developed a program designed to operate until the end of 2001 to identify and rehabilitate victims, educate the population, and strengthen the legal system with regard to the movement and trafficking of minors. However, at year's end, the program was still being organized.

The Government took some steps to halt child trafficking and repatriate children to the country from Cote d'Ivoire; however, there was no estimate of the number of children in Cote d'Ivoire. In the spring, more than 50 children were returned to their families from Cote d'Ivoire. In August the Governments of Mali and Cote d'Ivoire signed a treaty to cooperate in combating trafficking; however, no traffickers were prosecuted during the year.

The Government assisted repatriated workers in communicating with family members; however, the total of those assisted was unknown, partly because the number of trafficked persons in neighboring countries could not be determined.

MAURITANIA

Mauritania is a highly centralized Islamic Republic dominated by a strong presidency. The 1991 Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since the 1992 multiparty election as head of a civilian government. In December 1997, Taya was reelected President, receiving over 90 percent of the vote. The elec-

tion, which was contested by four opposition candidates but boycotted by the five-party Opposition Front coalition, was regarded widely as fraudulent. Most opposition parties also boycotted earlier parliamentary elections but participated in senate elections in 1994 and 1996; they gained only one seat. In the country's first multiparty elections to the 79-member National Assembly held in 1996, 1 opposition and 6 independent candidates were elected; candidates of the ruling Republican, Democratic and Social Party (PRDS) won 72 seats. The outcome of these elections was marred by fraud on all sides and pervasive government intervention. Senate elections held in April generally were considered free and fair by international observers; however, some opposition parties boycotted the election, and only the governing party and the parties associated with it presented candidates. The elections resulted in the one sitting opposition member being reelected along with three independents. The Constitution provides for an independent judiciary; however, the judiciary is subject to significant pressure from the executive through its ability to influence judges.

The Government maintains order with regular armed forces, the National Guard, the Gendarmerie, and the police. The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Security forces are under the full control of the Government and are responsible to it. Some members of the security forces committed human rights abuses.

Mauritania, which has an estimated population of 2.5 million, has a generally market-oriented economy based on fishing, mining, subsistence farming, herding, and a small commercial sector. Fish and iron ore are the country's main export-earners. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, also impedes economic growth. Annual per capita national income is estimated at \$440. Mauritania receives foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained generally poor; there was some improvement in a few areas, but problems remained in others. Democratic institutions remain rudimentary, and the Government circumscribes citizens' ability to change their government. Police used excessive force, beat or otherwise abused detainees, and used arbitrary arrest and detention, incommunicado detention, and illegal searches; however, reports of police abuses decreased during the year. The Government failed to bring to justice most officials who committed abuses, although some abuses were sanctioned during the year. Prison conditions remained harsh and unhealthy; however, a new men's prison was completed in Nouakchott which improved overcrowding and unsanitary conditions. Pretrial detention continued; however, the length of pre-trial detentions were shorter due to improved organization of the courts. The Government continued its program of judicial reform and training; however, the executive continued to exercise significant pressure on the judiciary, and in practice the right to a fair trial was not always realized. At times the Government restricted freedom of speech. While the Government tolerates a critical independent press, it continued to censor individual editions. The Government restricted freedom of assembly and used excessive force in breaking up demonstrations by the major opposition party. In May during a period of widespread public unrest, the Government banned all public demonstrations. The Government limited freedom of assembly and religion. The Government continued to refuse to recognize officially some nongovernmental organizations (NGO's) and human rights organizations. Discrimination against women continued, and female genital mutilation (FGM) remained a serious problem despite government efforts to halt the practice. Ethnic tensions continued to ease, but the largely southern-based ethnic groups, including the Halpulaar (also called Fulani or Peuhl), Soninke, and Wolof ethnic groups, remained underrepresented in political life and some of their members feel excluded from effective political representation. Child labor in the informal sector is common. A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist; however, there continued to be reports that slavery in the form of forced and involuntary servitude persists in some isolated areas, or that unofficial, voluntary servitude persists and that former slaves continue to work for former masters or others for food, shelter, and clothing, although they were under no legal compulsion to do so.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other forms of cruel or inhuman punishment; however, the police reportedly continued on occasion to beat criminal suspects while in custody. Police used undue force in controlling public crowds and breaking up peaceful demonstrations (see Section 2.b.). In April authorities forcibly disrupted political opposition demonstrations in Nouakchott and Nouadhibou and beat some demonstrators protesting the detention of an opposition leader (see Sections 1.d and 2.b.). On June 17 and 18, police used excessive force in breaking up demonstrations by Black Moors protesting land redistribution, which resulted in some demonstrators being beaten and injured (see Sections 1.d., 1.f., and 2.d.). The Government sanctioned the Governor and the head of police by removing them from their posts.

In 1999 the Director of Security traveled to each region of the country to meet with police forces to inform their members that the Government would not tolerate the use of torture or undue force and that violators would be prosecuted. These visits reportedly were successful. The Government has continued its in-service training of police and other security personnel, which has shown some positive results. Reports of the use of excessive force, requests for payoffs, or other abusive behavior decreased during the year, and some violators were sanctioned.

In July 1999, two Halpulaar political refugees in France charged Mauritanian Captain Ely Ould Dah, a Black Moor in France as part of a military cooperation program, with having tortured them during events in 1990 and 1991. A French judge in Montpellier had Ould Dah arrested under the International Convention against Torture. The arrest sparked a lively debate among opinion leaders from all ethnic groups, which was covered extensively in the press, on how to further national reconciliation (see Section 4). While awaiting trial in France, Ould Dah forfeited bail and returned to Mauritania on April 4, apparently with the aid of the Government of Mauritania.

In past years, the National Guard has fired on fish poachers causing at least one injury. In July the Government signed an agreement with the Government of Senegal to allow and regulate through licensing the fishing of small craft fishermen in each others' waters. Since the agreement, there have been no further incidents of police shootings.

Prison conditions remained harsh; however, conditions in Nouakchott's prison continued to improve due to the opening of a newly constructed section of the men's prison, which put an end to serious overcrowding. The former men's prison is used to provide space for educational and sports programs for children. In other prisons, overcrowding persisted and sanitation facilities remained inadequate and reportedly have contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Some prisoners received special treatment based on family and position. Prisoners with high-level connections and families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. New guard force management continued to enforce instructions against beatings and torture; however, there were reports of beatings of detainees at the Commissariat outside of the prison. The overall prison capacity is 700 and the prison population was 1,352 in 1999. The prison population in Nouakchott was 567, a decrease of 100 from 1998 as a result of shorter pretrial detention. There were 517 men, 24 women and 26 minors; minors are held in separate facilities. In May 1999, female prisoners were moved to a new upgraded facility that contained a communal garden. Children of female prisoners remain with their mothers or the Ministry of Justice gives temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, continued to provide a program of education and microenterprise projects to the female prisoners. UNICEF in collaboration with the French organization CARITAS has been providing increased services including training and sports in the juvenile detention centers. The Government cooperated with an NGO to provide training for female guards to replace the male guards currently at the women's prison; in March the Ministry of Justice appointed 15 women to serve as prison guards in the women's prison as a protective measure for female prisoners. A doctor and nurse assigned to the men's prison also provide medical care for the women's and children's prison, but the infirmary remains understaffed.

The new prison administration instituted in August 1997 has improved markedly the conditions of prison food, health, hygiene, and family contacts; however, last year's budget funding for increased expenditures per prisoner for improved food and nutrition, medical services and supplies, and new bedding and cleaning supplies was not met.

The Government permits prison visits by domestic and international diplomats and human rights monitors. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) has access to prisons, but did not conduct prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that authorities cannot arrest, detain, prosecute, or punish anyone except as provided for under the law; however, at times police arbitrarily arrested and detained citizens. The actual application of the constitutional safeguards continued to vary widely from case to case.

The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court may detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney.

Human rights activists report that police showed greater respect for legally mandated procedures and that prison administration continued to show improvement; however, pretrial detention after arraignment often is prolonged. An estimated 15 to 20 percent of those in prison have not yet been tried, or were awaiting sentencing following their trials. In May the Government and an NGO sponsored a 10-day seminar for 50 police officers to inform them of the rights of children and the legal treatment of detained suspects.

Some indicted detainees are released before trial without explanation; familial, tribal, or political connections may explain some of these cases. There is a provision for granting bail, but it is used rarely.

Security forces continued to use arbitrary arrest, detention, and intimidation against the banned opposition party. Police detained Ahmed Ould Daddah, leader of the banned opposition party Union of Democratic Forces-New Era (UFD-A) and held him for 5 days in April; police arrested Ould Daddah again in December and held him incommunicado for 3 days before releasing him (see Section 2.b). Ould Daddah never was charged, but was questioned by the Government about his contacts with foreign and local political groups. Other party leaders and members in Nouakchott and Nouadhibou protesting his detention in April were beaten and detained (see Sections 1.c. and 2.b.).

There continued to be occasional reports of arbitrary arrest and detention by security forces against those protesting the redistribution of land and against returned refugees in communities in the south along the Senegal River (see Section 1.f and 2.d.) The reform has met with resistance from those who had part of their traditional landholdings that had lain fallow confiscated. On June 18, police arrested and beat 13 people in the Brakna region, who protested the redistribution of their traditionally held land to relatives of the Wali (Governor); they were released 2 weeks later (see Section 1.c.). The Governor and the head of police were removed from their posts in September. At year's end, the land still had not been restored to its original owners. In some cases the fallow land was granted to wealthy Moors who developed commercial agricultural enterprises (see Section 1.f.).

There were no reports of forced exile. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989 to 1991.

e. Denial of Fair Public Trial.—Although the Constitution provides for the independence of the judiciary, in practice the executive branch exercises significant pressure on the judiciary through its ability to appoint and influence judges. In addition poorly educated and poorly trained judges who are susceptible to social, financial, tribal, and personal pressures limit the judicial system's fairness. However, the Government is carrying out a program to improve judicial performance and independence.

There is a single system of courts with a modernized legal system that conforms with the principles of Shari'a (Islamic law). The judicial system includes lower-, middle-, and upperlevel courts, each with specific jurisdictions. Departmental, regional, and labor tribunals are the principal instances at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, hear civil cases involving sums less than \$41 (10,000 UM) and family issues, such as domestic, divorce, and inheritance cases. Thirteen regional tribunals accept appeals in commercial and civil matters from the departmental tribunals and hear misdemeanors. Three labor tribunals, composed of a president and two assessors (one who represents labor and one who represents employers), serve

as final arbiters for labor disputes. At the middle level, three courts of appeal, each with two chambers (a civil and commercial chamber, and a mixed chamber) hear appeals from the regional courts and have original jurisdiction for felonies. Nominally independent, the Supreme Court is headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviews decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review is within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly President, and one by the Senate President. Annual review of judicial decisions is undertaken by the Supreme Council of Magistrates, over which the President presides; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly are members of this Council. The annual review is intended to determine whether courts applied the law correctly and followed proper procedures. The most recent review was used as a basis for evaluating the reform process, providing for retraining of judges, and making reassignments based on their qualifications.

The minimum age for children to be tried is 12. Those between the ages of 12 and 18 are tried and sentenced to the juvenile detention center (see Section 1.c.). In April a special court to hear the cases of children under the age of 18 became operational. Children appearing before the court received more lenient sentences than did adults, and extenuating circumstances were considered.

In March the Government continued its education program to upgrade the qualifications and training of judicial personnel. In September the Government convened a Congress under the auspices of the Minister of Justice for government and non-governmental lawyers, magistrates, and other judicial professionals. Thirty judicial personnel, out of a total of 224, received overseas training to qualify them for one of the specialized courts: Children, civil, administrative, commercial, or correctional.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which are open to the public. If defendants lack the ability to pay for counsel, the court appoints an attorney from a list prepared by the National Order of Lawyers, which provides defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally are observed in practice.

Shari'a Islamic law provides the legal principles upon which the law and legal procedure are based, and because of the manner in which Shari'a is implemented in the country, courts do not in all cases treat women as the equals of men (see Section 5). For example, the testimony of two women is necessary to equal that of one man. In addition in awarding an indemnity to the family of a woman who has been killed, the courts grant only half the amount that they would award for a man's death. For commercial and other modern issues not specifically addressed by Shari'a, the law and courts treat women and men equally.

With international assistance, the Government continued a program to improve judicial performance and independence, which consists of organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals established in 1999 for specific types of disputes held court sessions more frequently, and in July, as a result of dropping of the requirement to have three judicial personnel present for each trial, pre-trial detention periods generally were shorter. The Government continued to hold security officials accountable and prosecuted officials for abuses. This has improved the public perception of the judicial system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignore this requirement.

Government surveillance of dissidents and the political opposition is believed to continue, although the extent to which the Government used informants is unknown.

There were a number of reports that some Government officials were misappropriating land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Haratines, and distributing it to their own friends and family (see Section 6.c.). The Government began implementation of the 1983 land reform law in 1990. The reform aimed at providing land for rural landless persons, including victims of desertification in the northern and central regions (both White Moors and Black Moors) and also, in recent years, for returning southerners who had been expelled from 1989 to 1991. The reform also aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the

means to cultivate it. The unconfirmed reports of confiscation may reflect abuses in the program's implementation; the proper implementation of the land reform does not leave families landless, and the program is not explicitly discriminatory. However, there may have been a net redistribution of land from southerners and Haratines to White Moors under that program, since the south has been less affected by desertification than the more northerly regions historically inhabited by the Moors. There also were some reports that some southerners who had been expelled or fled from the country from 1989 to 1991 were unable either to regain possession of the land they had farmed before 1989 or to gain possession of other land from the Government, although other reports indicate that all those previously on the land were granted some land rights (see Sections 1.d. and 6.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continues to restrict these rights through prepublication press censorship by the Interior Ministry. NGO's and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulated widely in Nouakchott and other towns.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviews all newspaper copy prior to publication and usually authorizes sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. During the year, the authorities seized 13 individual issues of different journals and, on December 16, banned the weekly newspaper *Al Alam*. In November the GIRM suspended the accreditation of a Middle East Information Agency representative. The Government provided no specific reasons for the seizures, the censure or the banning other than to cite Article 11 of the Constitution, which prohibits materials that undermine national sovereignty, territorial integrity, or national unity.

All newspapers must register with the Ministry of the Interior. There are over 400 journals and newspapers registered with the Ministry of the Interior, a third of which do not publish regularly, some never having issued an edition. There only are approximately 20 privately owned newspapers that publish on a regular basis. These journals are weeklies and reach limited audiences. The Government issues press cards to journalists and requires that they show this identification for participation in official press events. Private journals reported openly and critically on both the opposition and the Government and published party declarations and tracts without government censure or restraint during the municipal elections. Publications are exempt from all taxes on materials used to produce newspapers, journals, or books for the private press.

All broadcast media (radio and television) and two daily newspapers, *Horizons* and *Chaab*, are government-owned and operated. Radio is the most important medium in reaching the public, and the official media strongly support government policies. During the April senatorial election campaign, the Government provided all candidates with equal access to its two newspapers and to the electronic media, allowing citizens to hear and read criticism of the Government in these media in addition to in the private press. Opposition parties' access to government radio broadcast facilities at other times is limited. Citizens can receive foreign television broadcasts including from France and from Arab countries; however, in October the Government requested that the Government of Qatar discontinue its *Al Jazeera* broadcast in the country, which had aired several programs highly critical of the GIRM. In November the Government also discontinued broadcasts of *Radio France International* for the same reason. The Government continued to deny private applications to establish domestic radio stations.

There are five domestic Internet servers, which operate without governmental restrictions. Internet connections exist in Nouadhibou, the major commercial center, and five other regional capitals.

Academic freedom generally is respected, and there were no cases in which the Government prevented research or publication or censored lectures. The country's one university is government-funded and operated.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice and forcibly dispersed some demonstrations by the opposition (see Sections 1.c and 1.d.). The law requires that all recognized political parties and NGO's apply to the local prefect for permission for large meetings or assemblies.

In April authorities forcibly disrupted demonstrations by the political opposition protesting increased prices in Nouakchott and Nouadhibou. Authorities used teargas and batons to forcibly disperse demonstrators and injured three people in Nouakchott and two in Nouadhibou (see Section 1.c. and 1.d.).

Beginning in May, in response to widespread demonstrations on price increases and the situation in the Middle East, the Government banned all public demonstrations and dispersed some demonstrations. The Government also refused to grant permits to demonstrators.

Citizens in the southwest demonstrated on June 17 and 18 to protest land redistribution policies in their region. Police forcibly disrupted the demonstrations and detained and beat 13 persons (see Sections 1.c., 1.d., and 1.f.).

A number of public marches in November and December protesting violence in the Middle East became violent. The authorities used force, injured protestors, and prohibited all further public demonstrations.

The Constitution provides for freedom of association; however, the Government limited this right in practice and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. The number of political parties, labor unions, and NGO's continued to increase. Some 23 political parties and a wide array of NGO's, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership. Since September 1998, the Government has recognized 75 new NGO's and associations, bringing the total of such organizations to more than 600. The Government has not yet granted some NGO's official standing but did not prevent them from functioning. Among these are the Mauritanian Association for Human Rights (AMDH) and SOS-Esclaves (an antislavery NGO), which the Government claims are potentially divisive in that they appeal to specific ethnic groups, namely the southern and Black Moor communities respectively. However, in October the Government dissolved the major opposition party, the Union of Democratic Forces (UFD), claiming it threatened security by inciting violence.

Following diplomatic confrontation with Iraq, resulting from Mauritania's opening full diplomatic relations with Israel, the Government accused Iraq of undertaking subversive action against it, fomenting violent antigovernment demonstrations, and financing the Taliaa (Vanguard) political party. The Government disbanded the Taliaa party, whose officials had been meeting with Iraqi Ba'ath party representatives, citing constitutional prohibitions against "cooperation with a foreign party, accepting foreign funds for political propaganda, and carrying out illegal acts."

c. Freedom of Religion.—The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State, and the Government accordingly limits freedom of religion.

There is no religious oath required of government employees or members of the ruling political party, except for the President and the members of the 5-person Constitutional Council and the 10-person High Council of Magistrates presided over by the President. The Constitutional Council and the High Council of Magistrates advise the President in matters of law and the Constitution. The oath of office includes a promise to God to uphold the law of the land in conformity with Islamic precepts.

All but a small number of citizens are Sunni Muslims and are prohibited by their religion from converting to another religion. Shari'a, proclaimed under a previous government in 1983, includes the Koranic prohibition against apostasy; however, it has never been codified in civil law or enforced. The small number of known converts from Islam suffered no social ostracism, and there were no reports of societal or governmental attempts to punish them.

Although there is no legal codification of a prohibition against proselytizing by non-Muslims, in practice the Government prohibits proselytizing by non-Muslims under Article 11 of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam. The Government views any attempts by Christians to convert Muslims as undermining society. There are no known non-Muslim groups engaged in proselytizing; foreign Christian NGO's limit their activities to humanitarian and development assistance.

Christians in the foreign community and the few Christian citizens practice their religion openly and freely. Under Article 11 of the Press Law, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles are neither printed nor sold publicly in the country. However, the possession of Bibles and other Christian religious materials in private homes is not illegal, and Bibles and other religious publications are available among the small Christian community.

In addition to privately-run Koranic schools that nearly all children attend, the public schools include classes on religion. These classes teach both the history and

principles of Islam and the classical Arabic of the Koran. Although attendance at these religion classes is ostensibly required, many students, the great majority of whom are Muslims, decline to attend these classes for diverse ethno-linguistic and religious reasons. They nevertheless are able to advance in school and ultimately to graduate with diplomas, provided that they compensate for their failure to attend the required religion classes by their performance in other classes.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence within all parts of the territory, and provides for the freedom to enter and leave, and the Government generally respects these rights in practice. Historically there were few restrictions on travel in Mauritania's nomadic society. With urbanization and automobile travel, the Government has set up regular road checkpoints where the Gendarmerie checks the papers of travelers, and reportedly often solicits bribes. During the year, the Government reduced the number of road checkpoints, and reduced the time taken in questioning and conducting vehicle searches; however, there were reports that searches conducted in the southern border areas continued to be more stringent.

Of the approximately 70,000 members of largely southern-based ethnic groups who were expelled by the Government or fled to Senegal and Mali during the 1989-91 crisis, and of those born abroad since that time, the U.N. High Commissioner for Refugees (UNHCR) documented 33,248 returnees to four provinces along the Senegal River. Both the UNHCR and the Government agreed that many others have returned on their own to the larger towns and cities. Many more returnees among nomads, who are difficult to document, and urban dwellers are not included in UNHCR's figures. Informed observers estimate that the actual number of returnees ranges between 40,000 and 65,000. Entire villages as well as almost all Peulh (nomadic herders of the Halpulaar ethnic group) have returned. The Government has stated since 1993 that any citizen outside the country may return; however, the Government, the countries of asylum, and the UNHCR have signed no tripartite repatriation agreement. The UNHCR terminated programs to help returnees at the end of December 1998. The UNHCR estimated that there are 15,000 to 20,000 Mauritanian refugees remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health and sanitation projects continued by NGO's and humanitarian workers.

Cooperation by local authorities in addressing restitution and citizenship matters varies greatly, depending on individual officials and the returnee's region. Repatriation efforts achieved greater results in the Trarza and Brakna regions than in Gorgol and Guidimaka to the east; however, observers noted that the situation in Gorgol improved considerably. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not contain provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government accepts UNHCR recommendations on the granting of asylum and refugee status. The Government, which has cooperated with the UNHCR and other humanitarian organizations in assisting refugees since 1989 signed a local headquarters agreement with the UNHCR in May 1999. In recent years, the Government has provided first asylum to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Ivory Coast, Mali, and Guinea Bissau. The Government also has accepted the UNHCR's registration of some 200 asylum seekers, mostly from Sierra Leone and Liberia.

Mauritania is host to over 50,000 nationals of other West African countries who seek refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of Mauritania's small craft fishermen are Senegalese. There is a population of approximately 300 Sierra Leoneans living in Nouakchott. Some arrived more than 10 years ago and are fully employed. Approximately 225 of these have been granted refugee status and receive UNHCR assistance. The Sierra Leoneans held protest demonstrations at the U.N. compound on several occasions throughout the year demanding increased assistance and refugee status for all members of the group, including those with full-time employment, and resettlement in the West.

Approximately 2,000 former refugees from Mali who could repatriate have remained in the country and largely have been integrated into the local population. Nearly all these Malian refugees are Moors. The UNHCR no longer considers them refugees.

There were no reports of refugees being forced to return to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, the Government circumscribes this right in practice. The 1992 multiparty election of a civilian president ended 14 years of military rule; however, both the opposition and international observers concluded that the elections were fraudulent. Although civilians fill all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises. The armed forces avoided involvement in politics during the year; by law members of the military must resign if they wish to participate in partisan politics. Except during the election campaign, the Government denied elements of the opposition the opportunity to receive full access to government media and to compete on an equal footing.

The country's first multiparty legislative elections were held in 1996 and the ruling PRDS party won by an overwhelming majority; subsequent elections are scheduled to be held every 5 years. President Taya won an overwhelming victory in the 1997 presidential elections, although his opponents fared much better in the cities than in the rural areas. The official turnout of 75 percent and the winning percentage of 90 percent were inflated, since many individuals voted more than once. The Government distributed four voter registration cards to some persons, including government employees, instructing them to vote repeatedly for the incumbent. The opposition also distributed multiple voter registration cards to some persons, instructing them to vote repeatedly. The outcome of the elections was marred by fraud on all sides including pervasive government intervention to support candidates from the ruling party. The 1997 Presidential elections were boycotted by a coalition of four opposition parties that had demanded enhanced media access, an opposition role in election preparation, creation of an independent electoral commission, enlargement of the commission charged with revision of the electoral list, and provision of official copies of the voting report from each polling station to representatives of each candidate. During the election campaigning, the Government granted the opposition equal access to the official media, but did not meet the other demands.

One-third of the Senate is elected by the indirect balloting of municipal councils every 2 years; the latest elections were held on April 17. The elections generally were well-organized and were considered free and fair by international observers. However, four parties of the Political Opposition Front boycotted the national elections. As a result, only the governing party and parties affiliated with the governing party presented candidates. The ruling parties gained 14 of 18 seats being contested with one independent retaining his seat and three members of the ruling PRDS gaining seats as nominal independents. The first female candidate was elected to the Senate.

Elections are held by secret ballot. At polling places on election day, registered citizens receive a package of color-coded cards, containing one card for each candidate. Each citizen votes by entering a booth where they place the card of their candidate of choice into a sealed envelope. Voters then deposit the envelope into a sealed ballot box in front of observers from each political party. The unused cards are discarded on the floor. Although voters could in theory take the unused cards out of the polling place with them, the ready availability of many unused cards on the floor makes unused cards worthless as evidence of how a voter has voted and effectively eliminates the potential for abuse in such a multiple ballot system. A countrywide census, taken at the end of 1998, designed to register all citizens and standardize the current complex system of names, also was aimed in part at providing the basis for free and fair elections. In April the Government began the distribution of identity cards which is intended to form the basis for voter registration in future elections.

The country is divided into 12 provinces that are divided further into prefectures. The Government appoints the *Walis* (governors) and *Hakems* (prefects). Municipal councils are elected by general ballot, and they elect their mayors, usually the head of the majority party's list. Most government services are provided by the central Government. The elected councils are responsible for some public services, such as sanitation, and have fiscal autonomy and taxing power. Their administrative staff is independent of the Government. The councils elect the national Senate.

Women have the right to vote, and formed the majority of voters in the 1997 presidential election; however, women are underrepresented in government and politics. Women occupy some senior government positions: Four cabinet level posts including

the cabinet-level post in charge of informatics, one secretary-general post, two senior presidential advisors (including a Halpulaar), and four senior advisors to ministers. Women are well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There are four female members of the National Assembly, and one newly elected Senator. Three of the 14 members of the Executive Bureau of the ruling PRDS are women, and a woman heads the UDP party, a part of the ruling coalition.

Haratines, Halpulaars, Soninkes, and Wolofs are underrepresented in senior government positions. Of the Government's 20 ministerial posts, 3 incumbents are Haratine, 2 are Halpulaar,

1 is Soninke, and 1 is mixed White Moor/Soninke; the remaining 13 are of either White Moor or mixed White Moor/Haratine ethnicity (see Section 5). The full 28-member Cabinet, including secretaries of state, has 4 Haratines, 3 Halpulaars,

1 Soninke, and 1 mixed White Moor/Soninke. The 56-member Senate has 3 Haratines, 4 Halpulaars, 3 Soninkes, and the remaining 46 are of either White Moor or mixed White Moor/Haratine heritage. The 79-member National Assembly has 2 Haratines, 7 Halpulaars, 2 Soninkes, and 1 Wolof.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are three human rights organizations concerned with overall human rights issues, only one of which operates with official government registration. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the Mauritanian Human Rights Association (AMDH), is still unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH has many opposition members. The AMDH has been more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989-91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) established a branch in Mauritania in 1994 that has not been officially recognized. The Government has not responded to the applications of these organizations, on the grounds that they are ethnically based organizations that are in violation of the law and divisive; however, the unrecognized organizations continued to carry out their activities unimpeded.

Other organizations, including 14 unregistered associations, also address human rights issues. Two groups, SOS-Esclaves and the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, focus their efforts on overcoming the country's vestiges of slavery (see Section 6.c.). SOS-Esclaves is particularly active in claiming that slavery remains pervasive and appealing to national and international audiences to contribute to its eradication. SOS-Esclaves leader Boubacar Ould Messoud traveled abroad freely in 1999 and made such claims during a speaking tour; however, during the year, Messoud did not conduct speaking tours and there were no reports of SOS-Esclaves activities.

Attention to the events of 1989 through 1991 resurfaced following the arrest on July 3 of Captain Ely Ould Dah in France and his subsequent return on April 4 to the country. Ould Dah, who had been undergoing training at the French Army College, was accused by two Mauritians resident in France of torturing them in 1990 (see Section 1.c.). He was arrested under the International Convention Against Torture despite a general amnesty passed by Parliament in 1993. The Government reacted strongly to what it considered an infringement on its sovereignty by a French court and refused entry to a French prosecutor who sought to gather information to support the charges. Ould Dah was released on bail in September 1999 and was awaiting trial when he returned illegally on April 4 to Mauritania. The arrest and Dah's subsequent return engendered public debate on ways to further national reconciliation (see Section 1.c.).

The Committee of Solidarity with the Victims of Repression in Mauritania is concerned with the plight of the 1989 expellees. The Consultative Group for the Return of the Refugees was founded to promote the return of the remaining Mauritanian refugees in Senegal. The Collective of Worker Victims of the 1989 Events seeks redress for government employees who lost their jobs in the events of 1989. The Committee of the Widows and the Collective of Survivors focus on the sufferings of the victims of the 1990-91 military purge and their families. The Collective of Survivors of Political Detention and Torture was established in 1996 to seek redress for abuses committed during the 1986-87 period. These groups and other groups of individuals with common concerns function openly and actively, but their efforts are circumscribed somewhat because they are not recognized officially (see Section 2.b.). The Coalition of Human Rights NGO's is an umbrella organization for 12 of these

organizations; it represents the group in various forums, including representations to foreign embassies.

The only international association concerned with human rights to visit the country during the year was the ICRC, which makes routine annual visits. In July after consulting with international developmental NGO's, both houses of the Parliament passed legislation governing the procedures and conditions under which international NGO's can conduct business in the country. The Executive signed the legislation in July, and at year's end legislation was awaiting a decree that would put it into force. This legislation would facilitate the legal right for NGO's to conduct their work by providing for duty free imports, licensing of vehicles, and other provisions. International development NGO's have been working without governing legislation.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice the Government often favors individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, is endemic, although the situation continued to improve.

Women.—Human rights monitors and female lawyers report that physical mistreatment of women by their husbands is rare, particularly among the Moor population. The police and judiciary occasionally intervene in domestic abuse cases, but women in traditional society rarely seek legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. The incidence of reported rape is low; it occurs, but newspaper accounts of attacks are rare.

Women have legal rights to property and child custody, and, among the more

versal primary education a priority; however, there was no increase in attendance from the previous year, in which the school enrollment rate was 86 percent. There are no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. Some 84 percent of school-age girls attended elementary school in 1998 and 1999, up from 44.8 percent in 1990 (compared with 88 percent for boys, up from 58.3 percent). At the secondary level, female students constituted 37.4 percent of those enrolled. Despite these increases, enrollment in eastern Mauritania, the Brakna, and along the Senegal River remained at a lower level. The Government introduced a special countrywide program in 1995 and 1996 to boost female enrollment at the elementary level. Female students made up 17 percent of the university's 1998-99 enrollment, compared with 9 percent in 1990. Female students also constituted 30.5 percent of students enrolled in technical schools, compared with 2 percent in 1990. The literacy rate for women is 36 percent compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attend Koranic school from the ages of 5 to 7 and gain at least rudimentary skills in reading and writing Arabic (see Section 2.c.)

The law makes special provision for the protection of children's welfare, and the Government has programs to care for abandoned children; however, these programs are hampered by inadequate funding. Local NGO's estimate that there are over 253 street children. The Government relies on foreign donors in such areas as child immunization. Moreover it does not enforce existing child labor laws, and children perform a significant amount of labor in the informal sector in support of family activities (see Section 6.d.).

Traditional forms of mistreatment of females continue, mostly in isolated rural communities, but these practices appear to be on the decline. One form of such mistreatment is the forced feeding of adolescent girls (gavage) which is practiced only among the Moors. Experts previously estimated that between 60 and 70 percent of women experienced gavage but now conclude that very few Moor women continue to experience gavage. The change in figures appears to reflect both prior overestimation and a significant decline in the practice in recent years. While there is no law prohibiting gavage, the Government has made it a policy to end the practice. The Government continued intensive media and educational campaigns against gavage during the year in the Government print and broadcast media and through public seminars.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced among all ethnic groups except the Wolof. It is performed most often on young girls, often on the seventh day after birth and almost always before the age of 6 months. A March 1996 report by the United Nations Population Fund and a study published in 1997 by Jeune Afrique Economie cited the country as one in which 25 percent of women undergo FGM. Among Halpulaar women, over 95 percent undergo FGM. Preliminary results of a foreign-funded study indicate that 66 percent of those who perform FGM recognize that the practice is detrimental to women's health, and 54 percent of imams agree that the practice is dangerous. Local experts agree that the least severe form of excision is practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government continued intensive media and educational campaigns against FGM during the year. It is a clear public policy of the Government, through the Secretariat of Women's Affairs, that FGM should be eliminated, and the Government bars hospitals from performing it. Public health workers and NGO's educate women to the dangers of FGM and to the fact that FGM is not a requirement of Islam. For example, a 1996 officially produced Guide to the Rights of Women in Mauritania (with religious endorsement) stresses that Islam does not require FGM and that, if medical experts warn against it for medical reasons, it should not be done. The campaign against FGM appears to be changing attitudes towards the practice, according to several women's rights experts.

People with Disabilities.—The law does not provide specifically for the disabled, and the Government does not mandate preference in employment or education or public accessibility for disabled persons. However, it does provide some rehabilitation and other assistance for the disabled. NGO's have become increasingly active in raising public awareness of issues affecting the disabled. In 1974 the Government opened the first school for the deaf and the blind in Nouakchott. It became more active in 1986, and during the year it operated 6 classrooms and enrolled 35 students (20 girls and 15 boys); however, they lack trained staff. During the year, the school obtained the services of a volunteer expert who provided professional training for the staff.

There is no societal discrimination against the disabled.

National/Racial/Ethnic Minorities.—Ethnic minorities and low-caste individuals among all ethnic groups confront societal discrimination. Ethnic and cultural tension and discrimination arise from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors are divided among numerous ethno-linguistic clan groups and are racially distinguished as Beydane and Haratine, or White Moors and Black Moors, though it is often difficult to distinguish between the two groups by skin color. The majority of those known as Black Moors are Haratine, literally “one who has been freed,” although some Black Moor families never were enslaved. “White” Moors, large numbers of whom are dark-skinned after centuries of intermarriage with members of Sub-Saharan African groups, dominate positions in government and business. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups are concentrated in the south and are under-represented in the military and security sectors.

A number of accounts indicate that redistribution of southern farmland to Moors since the acceleration of desertification in the 1970's has contributed to tensions between Moors and southern-based ethnic groups. Although much of the Government's redistribution of land has been from southerners to southerners, some Moors have been resettled in the south. Ethnic tensions surfaced dramatically in the mass expulsions of southern-based ethnic groups—mostly Halpulaars—in 1989 and 1990 and the purge of Halpulaars from the military in 1991. Few regained their positions; however, tensions have lessened.

The Constitution designates Arabic along with Pulaar, Soninke, and Wolof as Mauritania's national languages. However, successive governments—both civil and military—have pursued various policies of “Arabization” in the schools and in the workplace. Non-Arabic-speaking ethnic groups have protested this policy, as have Arabic-speaking groups that want their children to obtain a bilingual Arabic-French education.

In April 1999, the National Assembly approved educational reforms to replace the separate track Arabic-French system of education, which had been in place for 20 years, with a unified system for all citizens in which both French and Arabic would be the languages of instruction for all students. Under the separate track system, Moors generally attended Arabic language schools, while Halpulaars, Soninke, and Wolof attended French-language schools. The Government concluded that the separate track system had contributed to ethnic divisions. Reversion to the previous unified system, with all students attending the same schools, is expected to promote social cohesion. The reform also provides for English and civics to be introduced at an early stage. The promotion of other national languages, previously included at the elementary level, was moved to the university level.

Ethnic rivalry contributed significantly to political divisions and tensions. Some political parties tend to have readily identifiable ethnic bases, although political coalitions among them are increasingly important. The acceleration of desertification during the 1970's that destroyed much of the traditional economic basis of Moorish society, and an upsurge of Arab nationalism among White Moors during the 1980's, contributed to explosive ethnic violence precipitated by a dispute with Senegal during 1989-91; this violence entailed the expulsion or flight of many non-Moors living in the south and occupation of much of their land by Moors, including Black Moors. Interethnic bitterness and hostility persists, and continues to be aggravated by climatic, land, and population pressures.

A number of accounts suggest that some members of the long-dominant White Moor community, which traditionally enslaved darker skinned groups, may continue to expect or desire servility on the part of members of the generally darker Black Moors and southern ethnic groups, and that such attitudes may impede efforts to build a nondiscriminatory society and to eliminate the vestiges and consequences of slavery, goals to which both the Government and major opposition parties are committed. There are indications that racism on the part of some White Moors may have contributed both to the persistence of vestiges and consequences of past White Moor enslavement of Black Moors, and to the expulsions and reported dispossession of members of darker southern ethnic groups with no tradition of servility to White Moors. However, southern-based ethnic groups and Black Moors have manifested little racial solidarity socially or politically, and racial differences did not contribute either to historical slavery or to the persistence of its vestiges and consequences among southern-based ethnic groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right of citizens to join any political or labor organization. All workers except members of the military and police are free to associate in and establish unions at the local and national levels.

Prior to the 1993 amendment of the Labor Code, which repealed provisions restricting trade union pluralism, the government-controlled labor confederation, the Union of Mauritania Workers (UTM), was the only labor confederation allowed by law. However, there are now three labor confederations; the Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), and the Free Confederation of Mauritanian Workers (CLTM). There are also four unaffiliated professionally based labor unions. The oldest of the three confederations, UTM, still is viewed by many workers as closely allied with the Government and the PRDS. It has lost ground to the CGTM, which was recognized in 1994 with 23 member unions, and the CLTM, which was founded in 1995 and recognized in 1998. The CGTM is not affiliated with any party, although most of its members tend to favor the opposition. The CLTM is associated with the opposition party, Action for Change.

The Government provides funds to the confederations in proportion to their memberships. All three confederations supplied representatives to the country's four labor tribunals, and were included in most government deliberative or consultative bodies. Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, also were active.

The bulk of the labor force is in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent are employed in the wage sector. However, nearly 90 percent of industrial and commercial workers are organized. The law provides workers with the right to strike. It also provides for tripartite arbitration committees composed of union, business, and government representatives. Once all parties agree to arbitration, the committee may impose binding arbitration that automatically terminates any strike. There were no strikes or work stoppages during the year. In September a dockers' union of the CLTM threatened a strike during negotiations, but a settlement was reached before the date set for the strike.

International trade union activity increased. The Government included CGTM, UTM, and CLTM representatives in its delegation to the International Labor Organization (ILO) in June. The national syndicates continued to organize training workshops for their memberships throughout the country.

Unions are free to affiliate internationally. The UTM participates in regional labor organizations. The CGTM and UTM are both members of the International Confederation of Free Trade Unions (CFTU). The UTM has been accepted into the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member union from each country.

b. The Right to Organize and Bargain Collectively.—The law provides that unions may organize workers freely without government or employer interference. General or sectoral agreements on wages, working conditions, and social and medical benefits are negotiated in tripartite discussion and formalized by government decree. Wages and other benefits also can be negotiated bilaterally between employer and union and the results of such negotiations are filed with the Directorate of Labor.

Laws provide workers with protection against antiunion discrimination and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of slavery and forced and bonded labor; however, the Government does not enforce this prohibition effectively. Citizens continue to suffer the effects and consequences of the practice of slavery over generations and of caste distinctions including the traditional existence of a slave caste in both Moor and southern communities. Slavery was abolished officially three times in Mauritania, most recently by the post-independence government in 1980. Even before 1980, the practice of slavery among the traditionally pastoralist Moors had been greatly reduced by the accelerated desertification of the 1970's; many White Moors dismissed their former Black Moor slaves because the depletion of their herds left them unable either to employ or to feed slaves. However, widespread slavery also was traditional among ethnic groups of the largely nonpastoralist south, where it had no racial origins or overtones; masters and slaves alike were black. The south has suffered less from desertification, and some reports identify it as the region in which vestiges and consequences of slavery may persist most strongly.

A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist. There has been no open trading in slaves for many years; however, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude may persist in some isolated areas. Unofficial voluntary servitude persists, with some former slaves continuing to work for former masters in exchange for monetary or nonmonetary benefits such as lodging, food, or medical care. Many persons, including some from all ethnic groups, still use the designation of slave in referring to themselves or others. The reasons for the persistence of such practices appear to be economic, psychological, and religious, although they vary widely and may be quite different among pastoralist or formerly pastoralist Moors from what they are among the southerners and the less numerous nonpastoralist Moors. Poverty, persistent drought, and a weak economy provide few economic alternatives for many and leave some former slaves vulnerable to possible exploitation by former masters. There are reports that some former slaves in some sedentary communities have continued to work for their former masters or others in order to retain access to the land they traditionally farmed, although the law provides for distribution of land to the landless including to former slaves, and this law has been enforced in many cases (see Section 1.f.). In addition to their usual compensation, some former slaves, who continue to work for former masters, also receive gifts on important family occasions such as births, marriages, and deaths. Deeply embedded psychological and tribal bonds also make it difficult for many individuals who have generations of forebears who were slaves to break their bonds with former masters or their tribes. Finally, because of the belief that their slave status had been religiously ordained, some individuals continue to link themselves to former masters for fear of religious sanction if that bond is broken.

Adults cannot be obliged by law to remain with former masters nor can they be returned if they leave. However, adult females with children may have greater difficulties and may be compelled by pressures other than physical force to remain in a condition of servitude. For example, in some cases, especially where the former master claims to be the father, former masters refuse to allow children to accompany their mothers when the mother leaves the master. In most cases involving custody disputes between former masters and former female slaves the courts have been instructed by the Minister of Justice to rule in favor of the women, and in virtually all custody cases the courts have ruled for the women. In other cases, the greater economic responsibility of supporting a family may be the principal impediment to a woman seeking a new life. Children's legal status is more tenuous than that of adults. There have been no reports of sales or "transfer" of children or other individuals from one employer or master to another since 1996, when there were occasional confirmed cases of transfers; however, reports of sales are rare, cannot be confirmed, and appear to be confined to past years.

The legacy of caste distinctions continues to affect the status and opportunities available to various groups. In some groups, for example, individuals of a higher caste who seek to marry someone of a lower caste may be barred by their families or by the community, and in Soninke communities members of the slave caste cannot be buried in the same cemetery as other castes.

NGO positions on the existence of slavery are not uniform. For example, SOS-Esclaves in an April 1997 report characterized slavery as a persistent social reality, whose occurrence among disadvantaged classes is far from negligible (see Section 4). The Organization of African Unity's (OAU) African Commission on Human and People's Rights issued a report in June 1997 that disputed the conclusions of the April 1997 SOS-Esclaves report. While allowing for the possibility of isolated cases of slavery in the remote countryside, the Commission concluded that slavery does not exist as an institution and that the persistence of vestiges of slavery was the more convincing explanation of social relations. Anti-Slavery International has stated that there is insufficient evidence one way or the other to conclude whether or not slavery exists, and that an in-depth, long-term study was required to determine whether the practice continues.

Problems related to the vestiges and consequences of slavery usually enter the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. However, court adjudication of such cases is rare. Several inheritance disputes between Haratines and the descendants of their former master were adjudicated in court in recent years. Most such disputes were decided in accordance with the law, as the courts ruled that the descendants of the former slaves should inherit their property. However, in some cases involving land tenure, courts reportedly did not uphold the property rights of former slaves. In June the land of several Black Moor families, some of whom were former slaves, in the Dar El Barka and Boghe communes was

confiscated by the Wali (Governor) for redistribution to his relatives and supporters. The Haratines held protest demonstrations during which several of them were beaten and detained by the police (see Sections 1.c., 1.d., and 1.f.). The Government sanctioned the Governor by removing him from his post. The new Governor was considering returning the land to the Haratine communes, but had not done so by year's end.

A case involving a former master, who was awarded custody of three children in early 1997 because he was deemed to be the father, was resolved by mediation in 1999, with the children living with their mothers in Nouakchott. The determination of such cases is problematic in a country where there is polygyny, "secret" marriages, no written records, and divorce by repudiation. The courts are prepared to pursue the concept of genetic testing to determine paternity, but no such cases have yet been brought.

Three NGO's—SOS-Esclaves, the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, and the Initiative for the Support of the Activities of the President—focused on issues related to the history of slavery in Mauritania. Of these SOS-Esclaves was particularly active in bringing to public attention cases in which it found the rights of former slaves to have been abridged and in assisting former slaves in their difficulties with former masters. Other human rights and civic action NGO's also follow this issue closely. The independent press, which includes journals that are published by Haratines and southern-based ethnic groups who emphasize issues of importance to these ethnic groups, is also quick to report any incident that comes to its attention in which the rights of former slaves have not been respected.

The Government focuses on education, literacy, and agrarian reform as the main means to eradicate the vestiges of slavery and deal with its consequences. The Government has raised the level of primary school attendance from 45 percent in 1986 to 85 percent in 1999. Classes are fully integrated, including boys and girls from all social and ethnic groups. In recent years, the Government's record in cases in which an individual's civil rights were adversely affected because of status as a former slave was weak. When complaints were filed with the Government to remedy cases involving detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable prodding and passage of time. In May 1999, the Government created a new cabinet post, the Commissariat for Human Rights, Poverty Alleviation, and Integration. A major focus of the commissariat is to address the vestiges and consequences of slavery.

The law prohibits forced and bonded labor by children and, unlike in the previous year, there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states explicitly that children must not be employed before the age of 14 in the nonagricultural sector unless the Minister of Labor grants an exception due to local circumstances. The Government has a functional labor inspectorate empowered to refer violations directly to the appropriate judicial authorities. The Government lacks sufficient resources to enforce existing child labor laws (see Section 5).

Labor law specifies that no child under the age of 13 may be employed in the agricultural sector without the permission of the Minister of Labor, nor under the age of 14 in the nonagricultural sector. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside commonly pursue herding, cultivation, fishing, and other significant labor in support of their families' activities. In keeping with longstanding tradition, many children serve apprenticeships in small industries and in the informal sector. There is no child labor in the modern industrial sector.

On July 12, the Government signed ILO Convention 182 against the worse forms of child labor; the Convention was ratified in December by the Parliament. The Government organized a national campaign in August to publicize the rights of children including pertinent labor regulations and the objective of universal education.

The Government prohibits forced and bonded labor by children, and, unlike in the previous year, there were no reports that it occurred.

e. Acceptable Conditions of Work.—The minimum monthly wage for adults is \$48.36 (9,872 ouguiya). It is difficult for the average family to meet minimum needs and maintain a decent standard of living at this salary.

The standard, legal, nonagricultural workweek may not exceed either 40 hours or 6 days without overtime compensation, which is paid at rates that are graduated according to the number of supplemental hours worked. Domestic workers and certain other categories work 56 hours. The Labor Directorate of the Ministry of Labor

is responsible for enforcement of the labor laws, but in practice inadequate funding limits the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but does so inconsistently, due to inadequate funding. In principle workers can remove themselves from hazardous conditions without risking loss of employment; in practice, they cannot.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked through, to, or within the country.

MAURITIUS

The Republic of Mauritius, a parliamentary democracy since 1968, is governed by a prime minister, a council of ministers, and a national assembly. The President, who is nominated by the Prime Minister and confirmed by the National Assembly, serves as Head of State, with largely ceremonial powers. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held on September 11, were free and fair, and resulted in a victory for an opposition coalition, the Mauritian Socialist Movement/Militant Mauritian Movement (MSM/MMM). There are numerous political parties, and partisan politics are open and robust. The judiciary is independent.

A paramilitary Special Mobile Force under civilian control is responsible for internal security. This force, commanded by the Commissioner of Police, is backed by a general duty police force. Both forces are largely apolitical, but were criticized for being inadequately trained to prevent and control rioting that broke out nationwide in February 1999. Some members of the security forces committed serious human rights abuses.

The economy is based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The standard of living is high, with a per capita gross domestic product of \$3,274 per year. The Government is diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There was at least one extrajudicial killing by police, and judicial inquiries were ongoing in at least eight cases of deaths in police custody. There continued to be occasional reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government's monopoly in broadcasting local news and programming continued. In some cases, police restricted freedom of assembly. Although the law to establish a national human rights commission to investigate complaints against the police, including allegations of police brutality, went into effect in February 1999, the commission was not established by year's end. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the export processing zone (EPZ). Child labor and forced child prostitution remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings; however, police committed at least one extrajudicial killing.

In January in the southern part of the country, police shot and killed Rajen Sabapathee, a prisoner who escaped in August 1999; two police officers were wounded in the exchange of shots. No action was taken against the police officials.

In November four men were found guilty and sentenced to life in prison for setting a May 1999 fire at a Chinese social club in Port Louis that resulted in seven deaths (see Section 5).

On March 23, 1999, the Prime Minister responded to a parliamentary question and stated that eight detainees had been found dead in police cells between January 1, 1998, and February 28, 1999. The deaths were under investigation at year's end (see Section 1.c.). Additionally, three persons died in prison in August and November 1999, and three more persons died in prison in February and April (see Section 1.c.). None of these deaths were reported as involving police abuse; all investigations have been closed; however, at year's end, the Government had made no official response.

The judicial inquiry continued into the February 1999 death in police custody of a popular Creole singer, Kaya. Kaya's death sparked 3 days of rioting in February 1999 during which police shot and killed three protesters, one police officer died of cardiac arrest, and shops, homes, and churches were burned and looted, resulting in an estimated \$50 million (1,250 million rupees) in damages. Following a second inquiry into the death of another Creole musician, who was shot and killed by police during the February 1999 riots, the Director of Public Prosecutions recommended in May that disciplinary proceedings be introduced against the three police officers accused of the killing of the second musician. In October the Government released a report on the riots compiled by a judicial commission. The report criticized the previous Government and the police for their handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. Although the commission did not investigate Kaya's death, it criticized the police for holding the musician in a high security area although the crime he was accused of did not warrant it (see Section 5.) At year's end, the investigation into the death of Kaya continued; however, no actions were taken with regard to any of the deaths that occurred during the riots.

Little progress was made in resolving the case of a person who died in police custody in 1996. An April 1998 preliminary inquiry into the case did not result in any charges being filed against police officers. Human rights lawyers asserted that the police were attempting to conceal the facts surrounding the death and were not conducting thorough, unbiased investigations.

On December 4, authorities arrested Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) and charged him with the killings of three rival Muslim political activists during the 1996 municipal election campaign (see Sections 1.c. and 2.c.). By year's end, police had arrested three other Hizbullah members in connection with the killings. In two separate incidents in December, four other suspects committed suicide rather than surrender to police. Trials for all four suspects were pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse is the use of force to coerce a suspect to sign a confession.

On December 4, police arrested Hizbullah leader Cehl Meeah for a 1996 killing (see Section 1.a.). Supporters alleged that police mistreated Meeah in detention; Meeah was hospitalized on December 6 for observation and x rays. The police commissioner appointed a high-level committee to investigate the allegations (see Sections 2.b. and 2.c.).

In October and November, approximately a dozen individuals detained by the Central Investigative Division (CID) of the police on suspicion of crimes including armed robbery and murder reported that police had beaten them during interrogation. In December the Commissioner of Police opened an investigation into the complaints; however, at year's end, no results had been announced.

In November officials of an antidrug squad detained a foreign national for 2 days, verbally abused him, and subjected him twice to intrusive body cavity searches and drug testing (see Section 1.d.).

A judicial inquiry was ongoing into the circumstances behind the February 1999 death in police custody of the popular singer Kaya (see Section 1.a.).

In response to the eight reported deaths in police custody between January 1, 1998, and February 28, 1999 (see Section 1.a.), the Commissioner of Police established in October 1999 a Complaints Investigation Bureau (CIB) to investigate complaints against police; it is funded and staffed by the police. Since its inception, the CIB has received 587 complaints. The National Human Rights Commission (see Section 4), mandated by law in 1998 and scheduled to supervise the CIB, had not been formed at year's end.

Prison conditions generally are adequate; however, there were some deaths in prison. Food, water, and medical care were available to all prisoners; sanitation was adequate. Women were held separately from men, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles in prison.

In February a terminally-ill prisoner died of pneumonia in the central prison outside Port Louis; at the time of his death, the prisoner's body reportedly was covered with bruises and scratches of unknown origin. In April a prisoner in police custody in the southern part of the country died of burns that he received when the mattress in his cell caught fire. Also in April, a prisoner died in the central prison; the cause of death initially was listed as death by cerebral pulmonary edema, but later was amended to be death by poisoning after authorities concluded laboratory anal-

ysis. Authorities still were investigating this death at year's end. In all of the other cases of deaths in prison subsequent to February 1999, police conducted investigations, and there were no reports of abuse or neglect (see Section 1.a.).

The Government has permitted prison visits by foreign diplomats, the national Ombudsman, a team from the U.N. Human Rights Commission, and the press. The Government stated in 1999 that it would investigate conditions and treatment in police holding cells; however, it did not begin an investigation by year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. In most cases, suspects are provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access.

In November officials of an antidrug squad detained a foreign national for 2 days, verbally abused him, and subjected him twice to intrusive body cavity searches and drug testing. The officials refused to allow him access to embassy officials; ultimately he was released without charge. No action was taken against the antidrug officials (see Section 1.c.).

In April an investigation by the Director of Public Prosecutions revealed that authorities in the southern part of the country held a man suspected of murder in police custody for 2 years without formally charging him with a crime. A judicial inquiry is ongoing, but at year's end there were no results.

In January the Government passed the Public Security Act, which would allow police with the rank of assistant superintendent and above to detain individuals without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety; however, the Government did not implement the law in response to public opposition. The then political opposition, which also opposed the bill, became the Government in September (see Section 2.b.) and, at year's end, had taken no action on the law.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and the judiciary vigorously enforces this right. Defendants have the right to private or court-appointed counsel. In December the National Assembly passed a Dangerous Drugs Act, which allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel. At the same time, the National Assembly passed a constitutional amendment to permit the 36-hour detention of suspects without legal counsel. A similar Dangerous Drugs Act was passed in 1995, but it had been undergoing judicial review because of its alleged conflict with the Constitution.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these provisions, and violations are subject to legal sanction. Both human rights lawyers and police authorities stated that illegal entry by the intelligence service had ceased. The acting Commissioner of Police stated that police do not use illegal wiretaps on telephones.

In January the Government passed the Public Security Act, which would allow police of the rank of assistant superintendent and above to search any premises without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety; however, the Government did not implement the law in response to public opposition (see Sections 1.d. and 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government has not invoked these measures to inhibit the press. Libel suits between private parties are common.

The government monopoly in broadcasting local news and programming continued. In August the National Assembly passed legislation, the Independent Broadcasting Authority Act, which created the Independent Broadcast Authority (IBA).

The IBA's mandate is to regulate and license all radio and television broadcasting, and the law provides for private ownership of broadcasting stations and the independence of the IBA. However, the IBA is to be composed of representatives of several government ministries and will be chaired by an appointee of the Prime Minister. The IBA is also subject to the Prime Minister on matters of national security and public order; however, at year's end, it had not been created. One private news organization began local news broadcasts in July 1998 on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, are available to the public by subscription.

Opposition and media observers criticized the state-owned Mauritius Broadcasting Corporation (MBC) for supporting the governing alliance in the September 11 election campaign. The new Government stated following the elections that it would depoliticize the MBC. Representatives of the Mauritian Journalists Association noted in October that broadcast journalists reported less governmental pressure on their reporting, and the directors of the MBC met in November to discuss ways to make the MBC more apolitical; however, at year's end, no specific action had been taken.

In 1999 the then opposition MSM/MMM, in a judicial challenge to the results of a September 1999 by-election, formally accused the MBC of providing biased coverage favoring the Government's candidate during the by-election campaign; the MBC rejected this charge. The Supreme Court postponed a hearing on this matter, which was scheduled for November 1999. The hearing was not rescheduled by year's end; and the MSM/MMM victory in the September election made further legal action unnecessary.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. However, there is a right of judicial appeal, and in one high-profile case in August during the election campaign, the Supreme Court overturned a decision not to permit a demonstration. In this case, police refused to allow a public gathering to discuss alleged corruption by then-government ministers. The Supreme Court overturned this refusal, stating that the threats of defamation and disturbing the peace were not sufficiently compelling to prohibit the gathering. While groups have the right to challenge denials, one group went ahead with its demonstration without police permission; police verbally reprimanded its organizer.¹¹¹In December supporters of Hizbullah leader Cehl Meeah demonstrated on two occasions to protest his alleged mistreatment while in police custody (see Sections 1.a., 1.c., and 2.c.). Police did not interfere with the demonstrations.

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sioner on Refugees refused to grant them refugee status, and the Government expelled them to Zimbabwe at the end of July.

There were no reports of the forced return of persons to a country where they feared persecution.

In November a group of citizens who are natives of the Chagos Archipelago (also known as the British Indian Ocean Territory) won a lawsuit against the British Government that claimed they had been removed illegally from their homeland in 1971. In response to the lawsuit, the British Government ruled that the Chagossians could return to the outer islands of the archipelago but not to Diego Garcia. The Chagossians planed to visit the islands in 2001 in preparation for their eventual return.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice. According to international and local observers, free and fair national elections based on universal suffrage were held on September 11, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition. In December 1998, the National Assembly passed legislation granting voting rights in the general elections to the 300 residents of the island of Agalega; previously, they had not been represented in the National Assembly. This leaves only the residents of the island of Saint Brandon without suffrage. There are approximately 100 fishermen on 6- to 12-month contracts living on Saint Brandon.

Women continued to be underrepresented in government and politics. Of the 70 National Assembly seats, 4 are held by women, and there is 1 female minister. In the National Assembly, up to eight members are appointed through a "best loser" system to ensure that all ethnic groups are represented; there are eight such members.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction and actively investigate and publish their findings on human rights cases; these groups include Amnesty International, Transparency International, and SOS Femmes. Government officials cooperated with and responded to the views of human rights groups.

The constitutionally mandated, autonomous Ombudsman investigates complaints of human rights abuses. The Ombudsman receives approximately 500 complaints a year and presents an annual report to the Government that details the status of investigations into these complaints. A National Human Rights Commission, provided for by a 1998 law, had not been established by year's end. Authorities have not nominated a president of the commission, who according to the law, must be a former Supreme Court judge. The commission is to have three other members, of whom one must be a lawyer or a judge with 10 years of experience, and the other two must have experience in the human rights field. The commission is to investigate abuses by any public servant, but it cannot investigate complaints that are already the subject of an inquiry by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The commission is to have the authority to visit centers of detention or prisons to assess and make recommendations on conditions. The commission first tries to resolve complaints through conciliation. If not successful, the commission can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question.

Numerous international NGO's were active during the year, including Amnesty International, Transparency International, Rotary International, Soroptomist, and many others.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, religion, or sex, and the Government generally respected these provisions.

Women.—Violence against women, particularly spousal abuse, is a problem according to the Ministry of Women's Rights, Child Development, and Family Welfare, attorneys, and NGO's. The Protection from Domestic Violence Act, partially enacted in 1997, came into full force in 1998; it criminalized domestic violence and provided the judicial system with greater powers to combat this problem. In November the Ministry of Women's Rights, Child Development, and Family Welfare released a

study on domestic violence conducted by independent consultants. The study stated that 6,367 cases of domestic violence were reported to authorities between September 1998 and August 1999. According to the study, 1,242 protection orders were issued against abusive partners in 1999. According to officials, the number of reported spousal abuse cases has risen primarily due to a greater awareness of women's rights and the Government's readiness to enforce them. Nevertheless, many victims still choose not to prosecute or report their attacker, primarily due to cultural pressures. A UNICEF-funded study from 1998 reported that alcohol was a contributing factor in 56 percent of domestic violence cases.

Since women often depend on their spouses for financial security, many remain in abusive situations for fear of being unable to provide for their children as single parents. While a magistrate can order a spouse to pay child support, some spouses have stopped working in order to avoid payment. However, in 1998 several amendments to the Criminal Code were enacted that made it a crime to abandon one's family or a pregnant spouse for more than 2 months, not to pay court-ordered food support, or to engage in sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continues; however, women have access to education, employment, and government services. The Minister of Women, Family Welfare, and Child Development stated in August 1999 that 25.8 percent of managers are women.

Children.—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education is free and mandatory until the age of 12; attendance at the primary level is 100 percent, but only 60 percent of children attend school at the secondary level (which includes the ages from 12 to 19). In 1998 the former Government set a goal to increase this to age 15 once 60 new schools were authorized and built. The new Government has stated that it plans to increase mandatory education to the age of 16. The new Government confirmed plans for school construction, and sites for 20 new schools were identified during the year; however, no new schools had been built by year's end.

In 1998 the Government began preparing a curriculum for human rights education to be introduced into social studies courses at the primary and secondary levels. The original goal was to implement the curriculum at the primary level in 1999 and at the secondary level in 2002; however, the curriculum had not been implemented at either level by year's end.

In 1998 the legislature passed additional provisions to the Protection of the Child Act, making certain acts compromising the health, security, or morality of children a crime. Under the act, child prostitution is criminalized, but only the adult is an offender and the child involved is given social aid. Child pornography also is criminalized, and the child is offered social aid while the adult offender is prosecuted.

Although incidents of child abuse are reported, private voluntary organizations claim that the problem is more widespread than is acknowledged publicly. Most government programs are administered by the state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development, which provides counseling, investigates reports of child abuse, and takes remedial action to protect affected children. In June the Ministry of Women's Rights, Child Development, and Family Welfare announced that 3,350 cases of child abuse have been reported since 1997.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other government services. The law requires organizations that employ more than 10 persons to set aside at least 3 percent of their positions for the disabled. There is no law mandating access to public buildings or facilities. The law does not require that work sites be accessible to the disabled, making it difficult for persons with disabilities to fill many jobs.

Religious Minorities.—Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted; however, there were no violent confrontations during the year.

Mauritius is a small island nation, and ethnic groups, known as "communities," are quite tightly knit. Inter-marriage is relatively rare. An individual's name easily identifies his or her ethnic and religious background. There is a strong correlation between religious affiliation and ethnicity. Citizens of Indian ethnicity are usually Hindus or Muslims. Citizens of Chinese ancestry usually practice Buddhism and Catholicism. Creoles and citizens of European-descent are usually Catholic. However, there is a growing number of Hindu converts to evangelical Christian churches, a fact that is of growing concern to Hindu organizations.

In December police arrested and charged the leader of the local chapter of Hizbullah, an international Shia Muslim group, Cehl Meeah and three others for

the 1996 killing of three rival Muslim political activists (see Section 1.a.). On December 5 and 6, Hizbullah supporters demonstrated to protest the alleged mistreatment of Meeah while in custody (see Sections 1.c. and 2.b.). Despite fears of unrest, there were no violent confrontations as a result of the arrest.

In the wake of violent confrontations in February and May 1999 that were partially the result of ethnic tensions, the Government took steps to foster unity, including the establishment in October 1999 of an annual National Unity Award, which is given to individuals who have implemented programs that promote national unity. In April 1999, the President also formed a Committee for the Promotion of National Unity, which organized activities to foster goodwill between ethnic groups. In April 1999, the heads of the Catholic Diocese and the Hindu House recommended that the President establish an interreligious council; however, such a council had not been created by year's end.

Some minorities, usually Creoles and Muslims, allege that a glass ceiling exists within the upper echelons of the civil service that prevents them from reaching the highest levels.

National/Racial/Ethnic Minorities.—Tensions among the Hindu, Creole, Muslim, European, and Chinese communities persisted; however, there were no violent confrontations during the year. In February 1999, there were several days of rioting and interethnic confrontations after a popular Creole singer died in police custody, resulting in four deaths and approximately \$50 million (1,250 million rupees) in property damage. In October the Government released a report on the riots compiled by a judicial commission. The report criticized the previous government and the police for its handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. The commission made general recommendations to the Government and the police for handling similar future incidents (see Section 1.a.).

In November four men were found guilty and sentenced to life in prison for setting a fire at a Chinese social club in Port Louis in May 1999 that resulted in seven deaths.

As a result of the ethnic violence that occurred in February and May 1999, several initiatives were taken in 1999 to improve relations between ethnic groups.

In April 1999, the President established a Committee for the Promotion of National Unity, which consists of 20 members from a wide cross section of the public and private sectors. The committee has sponsored a variety of activities to promote goodwill between ethnic groups. The Mauritian Council of Social Service (MACOSS), which serves as an umbrella group for NGO's in the country, created a conflict resolution working group to address ethnic tensions. The Mauritius Peace Initiative held a second conflict resolution seminar in July, and the MACOSS working group held meetings throughout the year. In addition a group of citizens based in the northern part of the country formed an NGO in March 1999 geared toward promoting ethnic unity. During the year, they organized community events around religious holidays in which residents of all faiths participated.

In June 1999, the Rodrigues Government Employees Association sued the Public Service Commission and the Government for placing different service conditions on those civil servants who were born and live on Rodrigues, an island 360 miles off the country's east coast with a population of 36,000, compared with civil servants who were born on the main island of Mauritius and work on Rodrigues. In December the Supreme Court rejected the association's suit; however, the group appealed. Under the law, a Supreme Court decision may be appealed to the Privy Council of the United Kingdom; a Privy Council appeal in this case is scheduled for October 2001.

Section 6. Worker Rights

a. The Right of Association.—The Constitution explicitly protects the right of workers to associate in trade unions, and there is an active trade union movement. Approximately 335 unions represent 111,231 workers, or 21.5 percent of the work force. Many unions are small, having fewer than 1,000 members. Ten major labor federations serve as umbrella organizations for these smaller unions. With the exception of members of the "disciplined force," namely, the police and the Special Mobile Force, and persons in state services who are not public officers such as contractors, workers are free to form and join unions and to organize in all sectors, including in the export processing zone. Although only 10 percent of EPZ workers are unionized, these workers are covered by national labor laws (see Section 6.b.). The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers. The International Confederation of Free Trade Unions (ICFTU) alleged that employers have established employer-controlled work councils for workers in

the EPZ. Labor unions are independent of the Government, and they have established ties to domestic political parties and addressed political issues.

Under the Industrial Relations Act (IRA), unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. There were no strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

Under the law, unions may establish ties with international labor bodies, and some unions have done so.

b. The Right to Organize and Bargain Collectively.—The law protects the right of employees to bargain collectively with their employers. The ICFTU reported that the law does not protect trade unions adequately against acts of interference by employers. The International Labor Organization (ILO) reported that the Government began a labor law reform project with ILO technical assistance; however, no new legislation was enacted during the year. Minimum wages for nonmanagerial level workers are set by the National Remuneration Board (NRB), whose chairman is appointed by the Minister of Labor; however, most unions negotiate wages higher than those set by the NRB. Almost 13 percent of the labor force works for national or local government. The IRA prohibits antiunion discrimination. There is an arbitration tribunal that handles any such complaints.

Approximately 90,765 persons work in the EPZ. Workers in EPZ firms enjoy the same basic protections as workers in other firms; however, there are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers.

The ICFTU 2000 report stated that there was very little collective bargaining in the EPZ and that the National Remuneration Board determined wages after representations by employers and workers' representatives.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that by children, is prohibited by law outside the EPZ; however, there are reports of forced child prostitution, which the Government has targeted as a top law enforcement priority (see Section 6.d.). Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage (see Sections 6.b. and 6.e.).

According to the ILO Committee of Experts, the Merchant Shipping Act contains provisions that are not compatible with international standards regarding forced labor. Certain breaches of discipline by seamen are punishable by imprisonment. The Government indicated that it proposed to amend the Merchant Shipping Act to make it compatible with ILO Convention 10; however, it took no action during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18; the Government respects this law in practice.

The legal minimum age for the employment of children is 15 years; however, children unable to attend secondary school often seek apprenticeships in the trades. Six vocational schools were opened in 1998 to train students who fail the primary education certificate exam taken by students at the end of the sixth year of primary education.

The Ministry of Labor is responsible for the enforcement of child labor laws and conducts frequent inspections. According to the Ministry of Women's Rights, Child Development, and Family Welfare, 2,000 children between the ages of 12 and 14 were employed or looking for work in 1998. Child labor in homes, on farms, and in shops is common on the island of Rodrigues. Forced or bonded labor involving children is prohibited by law; however, forced child prostitution exists. In October the new Minister of Women's Rights, Child Development, and Family Welfare released a 1998 study on the sexual exploitation of children that the previous government had withheld. Although it did not provide the number of child prostitutes, the study reported that children enter into prostitution as early as age 13; their clientele included industrialists, professionals, police officers, parliamentarians, and ministers. The Government has targeted child prostitution as a top law enforcement priority; however, at year's end, it had not taken specific action.

In June the Government ratified ILO Convention 182 on the worst forms of child labor. The Ministry of Labor is responsible for investigating reports of child labor abuses; 30 inspectors are employed by the Ministry to investigate all reports of labor

abuses, including those of child labor. The inspectors performed approximately 5,000 inspections during the year.

e. Acceptable Conditions of Work.—The Government administratively establishes minimum wages, which vary according to the sector of employment, and it mandates minimum wage increases each year based on inflation. The minimum wage for an unskilled worker in the EPZ is \$13.27 (345 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ is about \$14.94 (388 rupees); these sums do not provide a decent standard of living for a worker and family, but the actual market wage for most workers is much higher due to a labor shortage and collective bargaining. The standard legal workweek in the industrial sector is 45 hours. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage. According to the Mauritian Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

In October the Minister for Training Skills Development and Productivity reported that there are 24,292 foreign workers in the country, 20,081 of whom work in the textile sector. Since they often do not speak English, French, or Creole, it is difficult for them to demand their rights, which are the same as those of citizen employees, including the right to belong to a union. There were cases in which foreign workers obtained local legal counsel to redress their grievances.

The Government sets health and safety standards, and Ministry of Labor officials inspect working conditions and ensure compliance with the law. The small number of inspectors limits the Government's enforcement ability; however, through voluntary compliance, the number of occupational accidents has been cut. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in children, but does not specifically mention trafficking in adults. In 1999 there were reports from the nearby island of Madagascar that women and children were trafficked to the islands of Reunion and Mauritius for prostitution; however, there were no further reports of this nature during the year. The penalties for those found guilty of child trafficking are a minimum fine of \$370 (10,000 rupees) or imprisonment for up to 5 years.

MOZAMBIQUE

Mozambique's constitutional Government, headed by President Joaquim Chissano, held its second general multiparty elections in December 1999. President Chissano was reelected, and his party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, with the remaining 117 seats going to the opposition coalition of the Mozambique National Resistance—Electoral Union (RENAMO-UE). According to international observers, the elections were generally free and fair; however, they were marred by allegations of vote-counting irregularities. Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provides increasingly useful debate on national policy issues and generates some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. Opposition parties in the Assembly boycotted most parliamentary activities during most of the year to protest the election results; however, they resumed full participation in October. Despite the boycott and the contentious atmosphere in the Assembly, the FRELIMO majority accepted several proposals from opposition parties, including one that established ad hoc commissions to revise the electoral law and aspects of the Constitution. The Constitution provides for an independent judiciary; however, the executive branch dominates the judiciary, which lacks adequate resources, and is chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: the Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Reaction Police (PIR). The State Information and Security Service (SISE) reports directly to the President. The military continued to suffer from a lack of money and long term strategy. Many former military personnel of all ranks work in other government security forces. Members of the security forces committed numerous serious human rights abuses.

Mozambique is a very poor country. Approximately 80 percent of the population is employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lives in poverty. The primary exports are shrimp, sugar, cot-

ton, cashew nuts, and bulk electric power. The transition to a market economy continued during the year. The gross domestic product (GDP) continued to be approximately \$3.9 billion. Inflation was approximately 11.4 percent, an increase from the 1999 level of 6.2 percent. The economy and government budget remained heavily dependent on foreign aid. The economy had a \$848 million trade deficit, down from a \$929 million deficit in 1999. Annual per capita income was \$222. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Flooding caused by heavy rains and cyclones in February and March severely damaged crops, livestock, and rural infrastructure in the south-central portion of the country. The damage, estimated in the hundreds of millions of dollars, negatively impacted economic growth.

The Government's human rights record was generally poor. Police continued to commit numerous abuses, including extrajudicial killings, disappearances, excessive use of force, torture, and other abuses. Police officers tortured and beat persons in custody, and abused prostitutes and street children. In September the president of the League of Human Rights (LDH), a local non-governmental organization, noted that the LDH documented an overall decline in the respect of human rights by police forces during the year. Police violently dispersed demonstrations by opposition supporters. Prison conditions remained extremely harsh and life-threatening; many prisoners died due to the harsh conditions, including more than a hundred RENAMO demonstrators who suffocated to death in an overcrowded jail cell. Police continued to use arbitrary arrest and detention, and lengthy pretrial detention was common. Fair and expeditious trials were not possible due to an inefficient, understaffed, and underfunded judiciary, which is dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, one journalist was killed and many others were harassed during the year by unknown assailants. Media outlets owned by the Government and State enterprises largely reflected the views of the ruling party; however, the number and diversity of independent media increased, and their criticism of the Government, its leaders, and their families largely is tolerated. Human rights violations received extensive coverage in both government and independent media during the year. The law restricts freedom of assembly, and security forces forcibly dispersed some demonstrations during the year. Both the Government and the law imposed some limits on freedom of association. The Government, at times, infringed on freedom of movement. Domestic violence against women as well as widespread discrimination against women in employment and property rights, remained problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against the disabled and child labor remained problems. There were reports that women were trafficked to South Africa for forced prostitution and forced labor. Occasional mob violence resulted in several deaths.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were several unconfirmed reports of political killings by security forces; RENAMO officials claimed that security forces killed party members Eduardo Foao, Ricardo Moaine, and Geraldo Carvalho in Sofala Province in February. Police denied that the three were killed by security forces and claimed that an autopsy showed that Moaine died of natural causes. There were also reports of extrajudicial killings by security forces.

On March 31, police arrested Tomas Paulo Nhamumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. On April 1, police visited the families of the two men and demanded \$750 for their release; the families were unable to pay the sum. When Nhamumba's family visited him that same day they witnessed police officers torturing detainees. On April 2, family members were informed that the two men had been transferred to the Criminal Investigative Unit but were unable to locate them. In April the bodies of the two men were identified by family members at the Maputo Central Hospital morgue, listed under false names. The bodies were delivered to the morgue by police officers, who attributed their deaths to natural causes despite the presence of bullet wounds in their upper torsos.

On May 5, police fired upon and reportedly killed at least six civilians at a police station during a confrontation between supporters of a jailed RENAMO member and the police (see Sections 1.c. and 2.b.).

The LDH reported a possible pattern of execution-style killings committed by uniformed police in the Marracuene area. In June police allegedly took Emidio Raul Nhamuncume from his family's home in Matola. The family located his body more than

a month later in Marracuene, Maputo Province. Local residents stated that police shot and killed Nhancume on the day of his disappearance, and then buried his body. The Government had not investigated the incident nor taken other action by year's end. On July 5, Eliseu Geraldo Muanga disappeared after visiting his girlfriend's house. The girlfriend observed uniformed police hiding outside; she was later advised by neighbors that he was being held at a police station. She visited the facility, but the police denied that they were holding Muanga. His body was found on July 18 in Marracuene by residents of the area. The Government had not investigated the incident nor taken other action by year's end.

On August 23, soldiers of the Presidential Guard who were guarding a VIP guest-house shot and killed an unarmed citizen who had reportedly become argumentative when told he could not walk down the street. The Government defended the soldier's actions as appropriate under existing security laws and took no action to address the incident by year's end.

On November 9, as many as 54 persons were killed during violence related to rallies and marches held throughout the country to protest the outcome of the December 1999 elections (see Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remains in dispute among human rights groups, the opposition, and the National Assembly. The LDH reported that police in Nampula province and the Balama district of Cabo Delgado province fired on, killed, and injured unarmed demonstrators to prevent rallies and marches. The LDH alleged that the interim police commander in Balama ordered the police under his command to kill demonstrators. In Montepuez, Cabo Delgado, there were credible reports that RENAMO demonstrators attacked a local jail, freed prisoners, ransacked government buildings, and held the local district administrator hostage. Police responded with lethal force, killing 17 persons; 7 police officers also were killed. Rioters reportedly mutilated the bodies of the police officers. On December 5, the National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the November 9 demonstrations and the subsequent deaths in custody.

In October 1999, the domestic NGO Human Rights and Development (DHD), published a critical assessment of human rights conditions (see Section 4); among the complaints were alleged police killings. The Government did not respond to the report by year's end.

Extremely harsh prison conditions and torture resulted in the deaths of many persons in custody, and in November more than 100 detainees died of asphyxiation in their cell (see Section 1.c.).

In March 1999, relatives of a detainee accused police of killing him in Beira central prison. Authorities attributed the man's death to an unspecified illness; an eyewitness testified in March that he saw police beating the victim on the way to the prison. The case was referred by the LDH to the Attorney General's office but still was pending at year's end.

There was no investigation into the 1998 death in police custody of Intipa Faque in the northern province of Nampula; nor was any action taken against the officers responsible. The LDH sent several written inquiries to the Nampula Province prosecutor regarding the case; however, they had received no answer by year's end.

The Government reportedly investigated the police killing of a demonstrator during a labor strike at a security services company in 1998; however, no report was released publicly, nor was any action taken against the officers responsible by year's end (see Section 6.a.).

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with rising crime. In Costa de Sol and Matola in the Maputo area, suspected thieves were beaten to death by mobs.

Some of the hundreds of thousands of landmines still in the ground since the 1960's caused 8 deaths during the year. The Government continued to cooperate with international organizations in demining efforts during the year.

b. Disappearance.—There were no reports of politically motivated disappearances; however, police were responsible for unexplained disappearances of prisoners. In some instances persons who disappeared while in police custody were later discovered to have been killed (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture and cruel or inhuman treatment; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, extortion, and unexplained disappearances of some prisoners remained problems. During the year, the LDH reported 59 complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported an overall decline in the observance of human rights.

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom are widowed and divorced women, sometimes beating the women, and often stealing their merchandise. There also were reports of police abuse of prostitutes and street children (see Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 1999, new standards for the police force were imposed, requiring a minimum educational level of the tenth grade. In September a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training is becoming mandatory for all security officers, with human rights groups like the DHD teaching some of the courses. The LDH discontinued its training program during the year, reportedly because of reluctant cooperation from the police.

On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. When Nhacumba's family visited him on April 1, they witnessed police officers torturing detainees (see Section 1.a.).

On May 3, police reportedly arrested a RENAMO supporter who had urged a vendor not to pay a market fee collector in order to protest the Government's legitimacy; police forced the man to march naked through the town from his home to the local jail. On May 5, when 40 unarmed friends and family members went to the police station to gain the man's release, a police officer allegedly assaulted an elderly man in the group, which resulted in a confrontation between the crowd and police. The police responded to the confrontation by firing into the crowd, reportedly killing at least six persons and injuring several others (see Sections 1.a. and 2.b.). The Government defended the actions by the police as appropriate and lawful; however, a group of local NGO's, including the LDH, conducted an independent investigation and reported that the police used inappropriate force. The Government did not respond to the report, and the FRELIMO majority in Parliament blocked an initiative to form a commission of inquiry to investigate the incident.

There was some sporadic political violence in the provinces during the year related to tensions between supporters of RENAMO and local security forces, including incidents in Marumbala, Beira, and Aube. On November 9, violence erupted in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the December 1999 elections; as many as 54 persons died in the violence (see Sections 1.a. and 2.b.). In addition, approximately 200 persons were injured and approximately 457 demonstrators were detained (see Sections 1.d. and 1.e.). The LDH reported that police used excessive force against the demonstrators in Nampula province and Balama, Cabo Delgado province and cited an anonymous police source who alleged that police severely beat and tortured detainees in custody. A RENAMO Member of Parliament (M.P.) claimed that police beat him and broke his right clavicle during his arrest; he publicly stated that police tortured him and other detainees while they were held at the Beira maximum security prison.

During November and December, a number of journalists were threatened and attacked by unknown assailants (see Section 2.a.).

Prison conditions in most of the country are extremely harsh and continued to pose a threat to inmates' health and lives. A LDH report released in January 1999 on the Beira central prison found that conditions remain significantly below minimum international standards. Latrine facilities are primitive; in some prisons, inmates must keep human waste in their cells until they persuade or bribe attendants to remove it. Food is substandard and scarce. Most prisoners receive only one meal per day on a regular basis. It is customary for families to bring food to prisoners; however, there are sporadic reports that guards demand bribes in return.

From September through December, the DHD conducted a series of prison and jail visits in 7 of the country's 11 provinces. The DHD reported that prisons provided substandard facilities and minimal care to detainees. A comprehensive U.N. Development Program (UNDP) report released during the year stated that prisons were decaying, overcrowded, and inadequately supplied. The Prime Minister responded to the UNDP report by calling publicly for a national effort to improve prison conditions. The Prison Fellowship of Mozambique (FPM) also commenced operations during the year and conducted prison visits (see Section 4).

There were many deaths in prison, the vast majority due to illness and disease; the UNDP report noted that there were 157 prison deaths during 1999, mostly due to malaria, tuberculosis, and respiratory diseases aggravated by poor conditions and lack of space (see Sections 1.c.). RENAMO alleged that three protestors who were detained during the November 9 demonstrations died from asphyxiation in November in a maximum security prison in Beira, Sofala. The Government acknowledged

the death of one of the detainees but attributed his death to natural causes. Between November 18 and 19, at least eight detained RENAMO supporters died in a Montepuez jail cell. Between November 20 and 21, more than 100 additional RENAMO supporters died of asphyxiation in a detention cell in Montepuez, Cabo Delgado; lack of water and food may have contributed to the deaths. The final number remains in dispute between the Government, the opposition, and human rights NGO's; many of the detainees never were formally processed and were buried in mass graves. The LDH and the DHD alleged that local police officials purposely deprived the detainees of oxygen by closing the cell door and that the police commander threatened that the detainees would not leave the prison alive. The Government, with the assistance of a South African team of pathologists, investigated the incident. Although the results of the investigation were not released by year's end, the Government stated that the deaths were caused by asphyxiation due to overcrowding, and independent investigations by the LDH and the DHD confirmed the finding. Several police officers were fired, and investigations continued at year's end, including a National Assembly commission of inquiry. In December President Chissano and RENAMO President Dhlakama agreed to establish a separate bipartisan working group to investigate the Montepuez deaths; the working group was scheduled to begin meeting in February 2001. The Government did not investigate the March 1999 deaths of three juveniles who died in detention, allegedly from illness and lack of food. While the health problems of most inmates remain unattended, the Ministry of Justice and the Ministry of the Interior made specific efforts to address some of the more serious diseases in the prison system during the year, including cholera, tuberculosis, and HIV/AIDS-related illnesses.

Two National Directorates of Prisons (DNP's), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operate prisons in all the provincial capitals. The DNP's also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. In MOI facilities detainees who have not yet been charged are held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged are usually held for longer periods than the 48 hours permitted under the law. In MOJ facilities detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment is deemed sufficient. Pretrial detainees are usually held for several months before trial, and delays over 1 year are common. MOI and MOJ facilities, while separate, often are connected physically. Military and civilian prisoners are held in the same prisons.

Detention facilities remained severely overcrowded, generally housing 4 to 6 times the number of prisoners that they were built to accommodate. The National Association for the Support and Protection of Prisoners, a domestic NGO, stated that during the year, Beira Central Prison held 513 inmates in a prison built to hold 200; Manica held 475 in a prison built to hold 300; Tete held 464 in a prison built to hold 90. Inhambane Provincial Prison held 296 in a prison built to hold 75; Nampula held 775 in a prison built for 70; and Cabo Delgado held 245 in a prison built for 90. Maputo Central Prison, built to hold 800 inmates, held 2,470 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 4,032 pretrial detainees were held in jails and prisons during the year.

Minors are incarcerated with adult inmates. During a visit to the Beira Central Prison in August 1999, the Minister of Coordination of Social Action found 25 minors detained there. However, the LDH reported noticeably fewer minors held in detention nationwide. At times Maputo City Prison houses children as young as 3 years of age, brought there by mothers sentenced for long periods.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cite unsanitary conditions or security risks as reasons to delay or cancel visits. Several local and international organizations, including the LDH, the DHD, and the UNDP, visited prison facilities during the year and reported on prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that the duration of preventive imprisonment be set by law; however, the police continued to arbitrarily arrest and detain citizens in practice. Under the law, the maximum preventive imprisonment is 48 hours, during which time a detainee has the right to have his case reviewed by judicial authorities, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigation process. The law provides that if the prescribed

period for investigation has been completed and no charges have been brought, the detainee must be released. In many cases, the authorities either are unaware of these regulations or ignore them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

On May 3, police reportedly arrested a RENAMO supporter under humiliating circumstances after an argument between a market fee collector and a vendor (see Section 1.c.).

In October police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

In October Mario Frank, a RENAMO member and former general, was arrested after police raided RENAMO party headquarters in Beira, Sofala province and confiscated a number of weapons. In November officials released him after holding him in detention for 22 days without charge.

During the November 9 demonstrations, police detained approximately 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the December 1999 elections; there were reports that police beat and tortured detainees in custody (see Sections 1.a., 1.c., 1.e., and 2.b.). Three RENAMO members reportedly died in custody in Beira; RENAMO alleged that these deaths resulted from asphyxiation (see Section 1.c.). In addition more than 100 RENAMO detainees died of asphyxiation in a jail cell in Montepuez (see Section 1.c.). In November courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the November 9 demonstrations (see Sections 1.a., 1.c., 1.d., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the group was scheduled to make initial recommendations to the President and RENAMO by March 15, 2001.

Many persons complained that security officials often detained them for spurious reasons and demanded identification documents; many officers also demanded bribes to permit persons to continue toward their destinations (see Section 2.d.). The media reported that citizens complained to authorities that police detained persons for not carrying identification documents and demanded money when they could not produce documents. Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder (see Section 2.c.); in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years' imprisonment.

Most citizens also are unaware of their rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees can spend many weeks, months, and even years in pretrial status. The bail system remains poorly defined, and prisoners, their families, and NGO's continue to complain that police and prison officials demand bribes to release prisoners. On March 31, police arrested Tomas Paulo Nhacumba and Gildo Joaquim Bata in Maputo for possession of an illegal firearm. On April 1, police visited the families of the two men and demanded \$750 for their release; the families were unable to pay the sum; they later identified the two men's bodies at a hospital morgue (see Section 1.a.).

Under the Penal Code, only those suspects caught in the act of committing a crime can be held in detention. Justice Ministry officials say that some police lack adequate training and do not know how to charge a person properly with a stated crime. A detainee may be subjected to indefinite detention. The National Directorate of Prisons reported that there are 6,422 persons in the prison system, 4,032 of whom were detainees who had not been charged. In response to this problem, a legal enforcement commission convened in May 1999 and ordered cases of detainees to be reviewed so that those who had served their time or were being held illegally (without charge) could be released. In Beira alone, 230 prisoners were released from the central prison during May and June 1999. During the year, the Government created an inter-ministerial review committee to continue this process, and the committee periodically reviewed the status of prisoners throughout the country to prevent unnecessary detentions. It was not known how many prisoners were released during the year under this process. The DHD report on human rights conditions released in October 1999 gave particular emphasis to the problem of arbitrary arrest and detention (see Section 4).

Drug cases are subject to a special regime. A 1996 law specifies that the legal period of preventive detention in drug trafficking cases is 10 days. The same law au-

thorizes a long period of investigation—up to 9 months—in cases involving drug smuggling, drug production and transfer, and criminal association.

The Constitution expressly prohibits exile, and the Government does not use exile as a form of punishment.

e. Denial of Fair Public Trial.—The Constitution formally established an independent judiciary and specifically states that the decisions of the courts take precedence over all other authorities and individuals and must be obeyed; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained appointees. The DHD report on human rights conditions released in October 1999 gave particular emphasis to problems in the judiciary (see Section 4).

The President appoints the President and Vice President of the most important tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates. The CSMJ, generally all FRELIMO party members, submits a list of qualified persons to the President of the Republic. The president then submits his choices to the National Assembly for approval. No assembly approval is needed for other judicial appointments.

There are two complementary formal justice systems: the civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. A 1991 law empowered the Supreme Court to administer the civil/criminal system; it also hears appeals, including military cases, although the Ministry of Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, customs court, fiscal court, maritime court, and labor court. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the general elections. Persons 16 years old and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems are ineffective due to a lack of qualified professionals.

In August 1999, Supreme Court Chief Justice Mario Mangaze complained that only 25 percent of citizens had access to the official judicial system. Outside the formal court system, a number of local customary courts and traditional authorities adjudicate matters such as estate and divorce cases. These courts are staffed by respected local arbiters who have no formal training but who exercise a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the State are tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the State, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons are in principle presumed innocent and have the right to legal counsel and the right of appeal; however, authorities do not always respect these rights. The great majority of the population is either unaware of these rights or does not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally is not available in practice, particularly in rural areas. Some NGO's, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbates the judicial system's weakness. There are an estimated 200 licensed attorneys in the country; the vast majority work in Maputo. There continued to be a shortage of qualified judicial personnel, with 160 judges nationwide. There are appeals courts in all provinces, but few of these courts are staffed by formally trained judges, despite the fact that the Judicial Magistrates Statute requires a law degree. Some districts have no formal courts or judges at all. Several donor initiatives to remedy these shortages were continued or completed during the year, including the training of district court judges and public prosecutors.

In 1998 while speaking at the opening of the Supreme Court session, Chief Justice Mangaze complained that a number of judges and others responsible to the courts were guilty of unacceptable practices, including corruption and bribe taking,

chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases. Justice Mangaze also presides over the CSMJ, which has expelled 24 judges for corruption since 1995. A Ministry of Justice official estimated that 17 judges were removed from office since 1998. During the year several judicial expulsions occurred, including the dismissal of the Attorney General and six of his senior legal staff in July and the suspension of a judge involved in a fraud case regarding the Banco Comercial de Mocambique (BCM). In 1998 the National Assembly passed a law, which was implemented in 1999, that speeds the implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly.

In October a court sentenced 3 individuals to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 2.a.).

In November courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the November 9 demonstrations. The courts held that the demonstrations were illegal because they took place outside of the legal time limits. The speed with which these trials occurred and the sentences handed out raised serious questions as to the integrity of the judiciary and the right of due process (see Section 1.c.).

The Penal Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there are many documented reports that some judges ordered the incarceration of minors in common prisons without trial (see Section 1.c.). In most areas of the country, it is difficult to accurately assess age because the information is not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO alleged that the persons held in detention for participation in the November 9 demonstrations were political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy and expressly forbids the use of surveillance techniques, and the Government generally respected these provisions. There were no documented reports of such search activity; however, some political groups claimed that their telephones were tapped by government intelligence agencies and claimed that security forces kept watch on their activities. By law police need a warrant to enter homes and businesses; however, in July a few Maputo residents complained that customs agents searched their homes illegally.

Section 2. Respect for Civil Liberties:

a. Freedom of Speech and Press.—The Constitution, the 1991 Press Law, and the 1992 Rome Peace Accords provide for freedom of expression and of the press, and the Government generally respected these provisions; however, limitations on these freedoms are permitted if they relate to the media's obligations to respect the Constitution, human dignity, and imperatives of foreign policy and national defense. In 1999 the Higher Council of Social Communication (CSCS), an enforcement body for the press law that is dominated by the ruling party, expressed concern that the vagueness of "imperatives of foreign policy and national defense" could lead to unwarranted restrictions. However, in December the CSCS expressed its concerns regarding recent articles, editorials, and comments that it considered contrary to national unity and prescribed media goals; some journalists criticized the CSCS for attempting to restrict press freedom and promote self-censorship. While criticism of the President is not prohibited, the 1991 Press Law holds that in cases of defamation against the President, truth is not a sufficient defense against libel. This law has not been tested in court; however, the President experienced considerable verbal and written criticism during the year without invoking this clause.

In October police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

Government and state-owned media largely reflected the views of the ruling party, but many such media sources also carried significant criticism of Government actions, including the Government's handling of the flood-related rescue operations and post-flood distribution of relief goods. Media ownership is diversified. In 1999 the U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public, 36 percent were private commercial, and 28 percent were private nonprofit (church affiliated); however, the public category includes the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment news-

papers—Noticias and Domingo—together with a third sports-oriented weekly are owned by a single corporation, Noticias Limited, in which state-owned enterprises hold majority shares. Both evidenced consistent bias in favor of the ruling party, FRELIMO, during the post-election period; however both newspapers continued pushing for reform of the justice system.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely is tolerated. For example, the independent media was extremely critical of the Government's reaction to the November 9 RENAMO demonstrations (see Section 1.c.). There were five independent weekly newspapers published in Maputo, and five other independent weekly journals published in provincial capitals. According to a survey by the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There are an additional 20 printed periodicals with a combined circulation of approximately 34,000. There also are 8 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, is owned by RENAMO. Websites were developed in 1999 for several independent media. Only a small minority of the population receives news directly through the print media.

While the Government no longer owns most radio and television stations, government stations are the only broadcasters capable of countrywide transmission; however, there are local and independent broadcasts in almost all urban areas. Government media are showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, is government-owned; however, its news coverage is considered generally unbiased and fair. Radio Mozambique receives the largest single subsidy from the state budget of any public media company. It broadcasts in Portuguese and 18 indigenous languages; its external service broadcasts in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcasts public debates that include a variety of participants with differing opinions.

In addition to Radio Mozambique, there are 16 independent (primarily church-supported) and state-supported radio stations, most using local languages in addition to Portuguese, which have spread to over a dozen cities. One such station, Radio Terra Verde (RTV), is linked directly to the principal opposition party, RENAMO. RTV is second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA) reach all major population centers and report local news via Mozambican-based part-time reporters; the BBC and the RFI carry news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the government of Portugal, offers a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news is available via cable in Maputo and via satellite nationwide.

In 1999 a media development report released by UNESCO expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socio-economic development nationwide. Furthermore, a 1997 census revealed that 60.5 percent of citizens over age 15 are illiterate in any language, and 70 percent of the population over 5 years of age do not speak Portuguese, which further limits the reach of the media beyond Maputo.

In 1999 Article 19, a United Kingdom-based NGO, reported that the independent media are constrained by the high cost of newsprint, distribution, and equipment. It claimed that publications close to the Government have an advantage in securing exemptions from customs duties. In September 1999, UNESCO's Media Diversity Project announced that it would assist 24 private sector print and faxed journals from all provinces to lower their paper costs and strengthen their ability to negotiate better commercial arrangements with the privatized Cegraf printing press in Maputo.

The National Union of Journalists (SNJ) continued to work with the Austrian Institute for North-South Development to improve working relationships between journalists and police officers.

Final debate on recommendations that membership in the CSCS be redefined to eliminate majority control by governmental appointees was deferred for another year. The CSCS was among the several organizations, including a joint operation by the LDH and Article 19, which monitored media fairness during the December

1999 presidential and parliamentary elections; however, the CSCS did not issue an evaluation of the elections by year's end, nor is it expected to do so at a future date.

The Prime Minister's weekly press conferences are important opportunities for journalists to discuss politics and government policies; while they were suspended during the electoral campaign in 1999, they were reinstated during the year. The Prime Minister's Information Office seeks to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continues to monitor press content informally.

Journalists were subjected to attacks during the year. In November two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical, in an execution-style shooting. In November unknown assailants attacked a radio journalist in Beira, slashing his cheek and tongue and warning him to "keep quiet." In November unknown assailants beat a radio journalist near Maputo; he required hospitalization for his injuries. In December the news fax agency Mediacoop received an anonymous bomb threat. In December the editor of the newspaper Savana received a telephone death threat.

There are no formal restrictions on academic freedom. Private educational institutions, both church-related and secular, are well established and continued to expand in several cities. A new Islamic college constructed facilities and hired faculty during the year, although actual instruction had not commenced by year's end.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the law imposes restrictions on this right, and security forces forcibly dispersed some demonstrations during the year, including those of the opposition. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it cover religious gatherings or election campaigning.

The law specifies time limitations on the exercise of the right to gather or demonstrate peacefully. The law states that marches, parades, and processions can only be held on Saturdays, Sundays, holidays, or between 5:30 p.m. and 12:00 a.m. on other days. The law provides for possible exceptions to this regulation, if justified, but such decisions are not made in an open and established manner. Further, the law states that any organizers of gatherings or demonstrations must submit a notice to civil and police authorities with at least 10 signatures for the holding of any such demonstration, along with a justification of the purpose of the gathering. The law stipulates that the Government must reply to any such request within 2 days of receiving the request, and that no reply within this period shall be understood to mean governmental acceptance.

On May 5, approximately 40 friends and family members of a detained RENAMO supporter went to a police station in Aube, Nampula province, for the detainee's release. The police responded by firing into the crowd, killing between six and eight civilians and injuring several others; the number of deaths remains in dispute, despite numerous investigations (see Sections 1.c. and 1.d.).

On November 9, violent clashes occurred between police and RENAMO supporters during 15 of the more than 60 rallies and marches to protest the December 1999 election results; as many as 54 persons were killed, approximately 200 persons were injured, and police detained approximately 457 demonstrators (see Sections 1.a., 1.c., and 1.e.). RENAMO officials maintained that they had applied for and received permits to march in most cases; however, police stated that the demonstrators did not comply with the law and had blocked roads and occupied buildings unlawfully. Courts in Manica, Sofala, and Cabo Delgado provinces held that the demonstrations violated the legally-prescribed time limits for such activities (see Section 1.e.). Security forces also disrupted and prevented RENAMO party gatherings in Beira in August and Angoche in September.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation promulgated in 1991 sets forth the process for the registration of political parties. There are 27 registered, active political parties. Under 1992 legislation, a political party must demonstrate that it has no racial, ethnic, or religious exclusiveness and secure at least 2,000 signatures of citizens in order to be recognized.

The Government requires nonpolitical groups such as NGO's and religious organizations to register. In 1998 the Government issued a decree regulating the registration and activities of foreign NGO's. NGO's must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGO's whose programs the Government decides complement its priorities. Observers believe that these new requirements worsen the already lengthy bureaucratic process that NGO's must follow to work in the country. Although the registration process is not always transparent and can take many

months, the authorities rarely reject applications from new associations. The law forbids the organization of political parties based on religious, ethnic, or regional affiliation; however, there were no reports of government attempts to impede the right of association for political purposes during the year (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respects these rights in practice.

The 1989 Law on Religious Freedom requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. No particular benefits or privileges are associated with the registration process, and there were no reports that the Government refused to register any religious groups during the year.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder; in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years' imprisonment.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. In late 1998, the Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, began arguing for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

The Constitution gives religious groups the right to own and acquire assets, and these institutions are allowed by law to own and operate schools. While virtually all places of worship nationalized by the State in 1977 have been returned to the respective religious organizations, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers and residences unjustly remain in state hands and continued to press for their return. In 1982 the Ministry of Justice founded the Directorate for Religious Affairs to address the issue of the return of church properties. Government sources stated that the majority of property was returned, with a few cases still being examined on an individual basis, including two cases in Maputo. Provincial governments have the final responsibility for establishing a process for property restoration. The return of church property is perhaps most problematic when the facility is in use as a public school, health clinic, or police station, as funds for construction of new facilities are in short supply.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to live anywhere within national territory and to travel within the country and abroad; however, at times authorities infringed on these rights.

Police traffic checkpoints occasionally affected freedom of movement, sometimes for security concerns. In an effort to reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stop foreign pedestrians and order them to present original passports or resident papers, sometimes refusing to accept notarized copies, and fining or detaining those who failed to show proper documents (most persons do not like to carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and demanded bribes (see Section 1.d.).

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government offered shelter to approximately 2,000 refugees, the vast majority of whom came from other African countries. The UNHCR planned to phase out its operations in the country during the year; however, the increasing number of refugees, especially from the Great Lakes region, prevented this from happening. By early August, there were approximately 400 refugees in the Bobole camp in Maputo province. In August approximately 100 refugees from the Bobole camp, most of them from the Great Lakes region, demonstrated outside the UNHCR office and a foreign embassy for better living conditions, employment and education opportunities, and resettlement abroad. The Government operates two refugee centers near Maputo. Niassa and Tete provinces have scattered groups of refugees, many of whom arrived from the Great Lakes region and had not settled in existing refugee centers during the year. Due to the heightened conflict in the Democratic Republic of the Congo, there were additional refugees in Niassa prov-

ince. Refugee camp conditions continued to be poor, and some refugees claim to fear attack by fellow refugees on the basis of ethnicity. The UNHCR occasionally makes alternative shelter available to those who feel threatened. The Government offers first asylum and offered it to some refugees during the year.

There were several cases of voluntary repatriation but no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to elect their representatives in universal, direct, secret, and periodic elections, and in December 1999 citizens freely exercised their right to vote in the country's second multiparty general elections that international observers considered to be generally free and fair; however, the elections were marred by allegations of vote counting irregularities. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 assembly seats. The largest opposition group, RENAMO-UE, made a strong showing in the elections, winning 117 seats in the Assembly and 48 percent of the presidential vote. In January the President appointed a new Cabinet; in February the new National Assembly took its oath of office, and in July the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

Voter registration commenced on July 20, 1999 and continued for 60 days. Despite some minor technical difficulties, including long lines and missing equipment, the registration process ran smoothly. Approximately 85 percent of the eligible voting population registered to vote. The 6-week campaign period was marked by some sporadic violence attributable to both FRELIMO and RENAMO-UE supporters, although at significantly reduced levels than during the 1994 elections. Leaders of both parties called for an end to the violence.

According to international and domestic observers, the voting process was transparent, peaceful, and orderly with approximately 75 percent of the registered voters participating; however, international and domestic observers complained of a lack of full access to the vote count and the opposition coalition RENAMO-UE charged that there was fraud in the vote counting process. Due to a large number of illiterate voters, there were a significant number of ballots on which preferences were unclear and which required interpretation by the Electoral Commission. The Commission also did not count tally sheets from several hundred polling stations at both the provincial or national level due to mathematical errors, omissions, and other problems.

International observers were not given full access to the process of examining the contested ballots and tally sheets, or to the vote counting. RENAMO-UE charged that this affected them disproportionately because tally sheets were discarded from provinces where RENAMO-UE support was strong. RENAMO-UE took this issue and several others to the Supreme Court on December 23, 1999, and on January 4, 1999 the Court unanimously rejected RENAMO-UE's complaints, acknowledging that there were some minor irregularities but concluding that these did not change the results of the elections.

The opposition coalition refused to accept the election results or the Supreme Court's decision and initiated a partial boycott of parliamentary activities; however, the FRELIMO majority agreed to several RENAMO proposals to create ad hoc committees to revise the electoral law and aspects of the Constitution. In October RENAMO ended its parliamentary boycott. On December 20, President Chissano and RENAMO leader Dhlakama met to discuss the political situation in the country. During the meeting, they agreed to establish working groups to consider constitutional and judicial matters, defense and security matters, civil service appointments and local government official's nominations, and the status of RENAMO supporters who were arrested in connection with the demonstrations on November 9. The working groups were scheduled to begin discussions in February 2001.

In March RENAMO officials claimed that security forces killed several party members in Beira earlier in the month (see Section 1.a.).

On November 9, RENAMO members and supporters demonstrated in approximately 60 locations to protest the December 1999 elections. Fifteen of the demonstrations resulted in violent confrontations with the police, causing a number of deaths, injuries, and arrests (see Sections 1.a., 1.c. and 2.b.).

Article 19 and the LDH monitored media coverage of the national electoral campaign. Radio Mozambique generally presented balanced coverage, whereas TVM was biased towards the ruling party. The government-supported newspapers Noticias, Diario de Mozambique, and Domingo demonstrated pro-government partisanship. The National Election Commission was criticized for categorizing these government-supported newspapers as private-sector media, thereby exempting them from the

electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign.

There are no legal restrictions hindering women's involvement in government; however, while the number of women in the National Assembly and the Cabinet increased after the December 1999 elections, women are underrepresented in government and politics. There are 105 women in the 250-member National Assembly, three female Cabinet ministers, and five female vice ministers. FRELIMO's policy mandates that at least 30 percent of the party's two governing bodies must be women. During the year, the Political and Central Committees met this mandate. Nevertheless, cultural factors inhibit women's effectiveness in public life (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal obstacles to the formation of domestic human rights groups, although registration procedures applying to NGO's are onerous and expensive (see Section 2.b.). In December the National Human Rights Association (ANDH) was established as an umbrella organization for the country's 13 human rights oriented NGO's. The Prison Fellowship of Mozambique (FPM) and the National Association for the Support and Protection of Prisoners also commenced operations during the year and conducted prison visits (see Section 1.c.). In October 1999, the DHD pub-

Despite constitutional provisions for the equality of men and women in all aspects of political, economic, social, and cultural life, the civil and commercial legal codes contradict one another and the Constitution. Under the law of the Family and Inheritance, the husband or father is the head of household, and both wives and daughters must obtain male approval for all legal undertakings. For example, a woman must have the written approval of her husband, father, or closest male relative in order to start a business. Without such approval, a woman cannot lease property, obtain a loan, or contract for goods and services. The legal domicile of a married woman is her husband's house, and she may work outside the home only with the express consent of her husband. While it appears that these legal restrictions on women's freedom are not enforced regularly in urban areas they leave women open to extortion and other pressures.

Family law provides that a married couple's assets belong to the husband, who has full authority to decide on their disposition. When a husband dies, his widow is only fourth in line (after sons, fathers, and brothers) to inherit the household goods. A contradictory provision of the law states that a widow is entitled to one-half of those goods that are acquired during the marriage, but in practice women rarely know of or demand this right.

Customary law varies within the country. In some places, it appears to provide women less protection than family law, and unless a marriage is registered a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. A new Land Law was adopted in 1997; sections pertaining to rural areas came into force in 1998, and those related to urban areas became effective in 1999. The law is expected to have a significant effect on women, who are the primary cultivators of family land. Under customary law, they often had no rights to the disposition of the land. The revised Land Law specifically permits women to exercise rights over community land held through customary rights. However, domestic NGO's such as the Rural Women's Development Association and Rural Mutual Assistance Association have cautioned that a considerable investment of time and education would be necessary before the new rights granted to women would supersede traditional practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constitute slightly more than half the population but are responsible for two-thirds of economic production, according to the 1997 census. Women in the workplace receive lower pay than men do for the same work. According to Members of Parliament who debated the proposed revision of the Labor Law in 1998, women are subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violate this right. The Government continued to target maternal and child health and focused on immunizations for women in childbearing years and for young children. The estimated maternal mortality rate is 1,500 per 100,000. Numerous development organizations and health-oriented NGO's also emphasize programs to improve women's health and increasingly focus resources to combat the spread of HIV/AIDS and sexually transmitted diseases.

The law permits the entry of women into the military; however, there are few women in the armed forces, and the highest ranking woman in the army is a major. The military began to recruit more women during the year and brought in 93 new female recruits.

There were reports that women were trafficked to South Africa for forced prostitution and forced labor (see Sections 6.c. and 6.f.).

Children.—The Government has made children's rights and welfare a priority, but admits that some children are in significant trouble. Primary education is compulsory through the fifth year; however, there are few education facilities, which limits enrollment. A few new primary schools opened during the year throughout the country; however, schools are overcrowded, and there is much corruption in the school system. In addition, a number of schools were destroyed or converted to emergency shelters during the floods of February and March. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school, and that girls exchanged or were forced to exchange sex with teachers for passing grades. The 1997 census estimated that some 50 percent of children of ages 6 through 10 are in primary school. Only a fraction of children continue with secondary studies.

Girls continued to have less access to education than boys above the primary level: 42 percent of students in grades 1 through 5 were girls, and 40 percent of students in grades 6 through 10 were girls. The percentage increased to 48.4 percent for grades 11 and 12. However, there are only 105 public secondary schools na-

tionwide, of which only 23 offer classes through grade 12. About 76 percent of females over 15 years of age are illiterate. Outside the main cities, secondary schools are fewer, and where boarding is required for attendance, the number of female students drops significantly. In a case that gained national attention in 1998, residents of Morrumbene district in Inhambane Province demanded the exclusion of girls from the dormitories at the Cambine secondary school. In the absence of separate boarding facilities, local residents blamed schoolgirls for immoral behavior in the community and pressured authorities to comply with the illegal demand, which effectively prevented many girls from attending the school. The few out-of-town girls who remained to study were forced to live in unprotected shacks.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work. During the year, the Government supplied ASEM with textbooks.

NGO's and the Government took some steps to protect and reintegrate into families or other supervised conditions an estimated 3,000 street children in the Maputo metropolitan area. Street children sometimes are beaten by police and frequently are victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification. The mortality rate for infants was 135 per 1,000, and for children under the age of 5 it was 201 per 1,000. The Maputo City Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. The same group offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who have expelled children from their homes, which usually happens when a wife has children who are unacceptable to a new husband.

Social workers have found that some parents of disabled children did not permit their children to leave their homes; provincial social action officials continued their educational campaign to reverse traditional attitudes toward disabled children.

The law does not specifically provide an age of sexual consent, nor does the law criminalize the offering or procuring of child prostitution or child pornography, and sexual abuse. Exploitation of children below the age of 15 continued (see Sections 6.c. and 6.f.). However, authorities in several provinces took steps to combat child prostitution. Child prostitution appears to be most prevalent in Maputo and Beira, although it may also exist in rural areas. Child prostitution reportedly is growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. According to the Network for Children, a domestic NGO, some members of the U.N. peacekeeping force that was in the country between 1992 and 1994 may have initiated child prostitution in Manica Province. In addition many child prostitutes have been infected with HIV/AIDS.

In Sofala province, where child prostitution exists along the Beira development corridor (frequented by truck drivers and businessmen), the Government operates information centers in affected areas to provide information to families and friends of children who are raped and exploited, and counsels them on how to deal with the police, public prosecutors, and judges. In order to address child prostitution, the National Assembly passed a law in May 1999 prohibiting the access of minors to bars and clubs; however, the Government does not have adequate resources to enforce the law effectively. In June the Ministry of Women and Social Action launched a campaign against the sexual exploitation of children and is working to educate hotels about the problem of child prostitution. The UNDP assisted the Government with training police to aid child prostitutes; however, there is a lack of accommodation centers, and the Government is unable to offer safe shelter to child prostitutes when they have been removed from danger.

In 1999 during an Africa-wide conference on child soldiers that was held in Maputo, the NGO Restore Hope was successful in obtaining a promise from the Defense Ministry that former child soldiers would not be conscripted.

There were reports that children in rural areas were used as bargaining chips to settle financial and other disputes (see Sections 6.c. and 6.f.). Families delegated their children to work limited periods of time to settle debts.

There are numerous reports that children are incarcerated with adults in prisons throughout the country (see Sections 1.c. and 1.e.).

People with Disabilities.—The Constitution states that “disabled citizens shall enjoy fully the rights” that it provides for; however, the Government provided few resources to implement this provision. Representatives of disabled groups and wounded veterans frequently protested that societal discrimination continues against the disabled. Victims of landmines are among the most politically organized

disabled citizens. About 1.9 percent of citizens are physically or mentally disabled. In July disabled and homeless veterans occupied vacant land in Matola to protest the municipality's delays in allocating land to the homeless.

Disabled women protested in 1998 that the Government only provided four schools nationwide for hearing and vision impaired persons and for the physically and mentally disabled. There are few job opportunities for disabled persons in the formal sector, although the 1997 census reported that 55 percent of disabled persons worked or held a job.

Social workers found that some parents of disabled children in several districts, including the populous towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial Ministry of Social Action officials continued their educational campaign to reverse traditional attitudes toward disabled children. During the year, the Government provided scholarships for 615 disabled children in education facilities.

The Government continued to rely on NGO's to assist the disabled. Founded in 1991, the Association of Disabled Mozambicans (ADEMO) addresses social and economic needs of the disabled. Smaller NGO's also have formed, including the Association of Handicapped Military and Paramilitary Mozambicans, the Association of Blind and Visually Impaired Mozambicans (ACDVM), the Association of Mozambican Disabled Soldiers (ADEMIMO), the Association of Deaf Mozambicans (ASUMO), the Association of Demobilized War Veterans (AMODEC), and the Association of Disabled Divorced Women (AMODD). In July ADEMO held a conference to address the rights of people with disabilities.

Concerns of the disabled include accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for the disabled were in the electoral law governing the country's first multiparty elections, which addressed the needs of disabled voters in the polling booths. Special access facilities are rare. On June 23, 1999, the Cabinet issued a resolution that approved the first national policy on disabled persons and laid out principles and strategies aimed at encouraging their active participation in the country's socio-economic development; the plan would address concerns of the disabled, including access to public buildings and government infrastructure. However, the plan had not been implemented by year's end due to funding constraints.

Religious Minorities.—Relations among communities of different faiths generally are amicable, especially at the grassroots level. The black and Indian Islamic communities tend to remain separate; however, there were no reports of conflict.

Civil society and the media highlighted aspects of the draft Family Law legislation early in the year. Debate focused on the need for legal recognition of religious and common law marriages, as only civil marriages are legal at present. Under the proposed law, polygamous marriages would not be recognized, although the law would offer protection to the widows and children of polygamous unions. Several leaders within the Islamic community oppose the proposal for not recognizing polygamy. On the other hand, approximately 50 Muslim women staged a public protest against polygamy in early May. There was also debate between some Islamic groups and several Christian groups over a section of the law that would raise the legal age of marriage.

In January the Supreme Court acquitted an imam who was arrested in 1999 in connection with a murder (see Section 2.c.); in July the court found two other men guilty of the murder and sentenced them to 9 and 16 years' imprisonment.

National/Racial/Ethnic Minorities.—There was no systematic persecution or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints against the Government that it favors economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns; the central and northern provinces have been included in the Government's 5-year development plan, its economic and social plan, its poverty alleviation strategy, and its investment incentive program. In addition, the President, the Prime Minister, and Cabinet members spent significantly more time in the provinces as compared with the previous year. The Government also includes in senior positions persons originally from the northern part of the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoy these rights in practice. Labor relations are governed by the 1991 Labor Law, which protects workers'

rights to organize and engage in union activities, and the 1985 Labor Law which was revised and promulgated in 1998. Trade unions remained concerned that free trade zones created under the revised 1998 law would result in less favorable labor rights, due to government incentives offered to foreign investors.

Until 1992 the only trade union federation was the Organization of Mozambican Workers (OTM), which was affiliated with, and dominated by, the FRELIMO party. Three unions broke away from the OTM in 1992, and by 1994 had formed their own central union, the Free and Independent Union of Mozambique (SLIM). In January 1999, the Ministry of Labor recognized this second central union as a legal entity, known as the Confederation of Free and Independent Unions of Mozambique (CONSILMO). CONSILMO is permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and Government. CONSILMO maintained the SLIM's working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union, an early promoter of the rights of female workers.

In 1994 the OTM declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibit persons holding high ranks within any political party from simultaneously holding top positions in the trade union. Other labor unions maintain that the OTM is not independent of the Government.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). In August the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers' organizations (see Sections 6.b. and 6.e.). After negotiations came to a standstill, the Council of Ministers implemented a salary increase of 26 percent in July and agreed to an additional 4 percent increase; however, the addition was not granted during the year due to financial constraints.

Provisions of the 1991 Labor Law forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally are arbitrated through special workers' committees, formally recognized by the Government.

Two members of the workers' committee of a security services company were suspended from their duties after giving advance notification of a January 1998 strike action to company management. The law specifies that strikers must notify police, government, union, and employers 48 hours in advance of intended strikes. The firm charged the two with illegally representing employees who were protesting the company's failure to answer a wage and benefits appeal made in late 1997 and with allegedly assaulting company managers. Their case has not yet been resolved.

The Government reportedly investigated the killing by police of a demonstrator during a labor strike at a security services company in 1998; however, no report was released publicly, nor was any action taken against the officers responsible by year's end.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM is a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The Labor Law protects the right of workers to organize and engage in collective bargaining. It expressly prohibits discrimination against organized labor. In 1991 the Government decreed that it would no longer set all salary levels. Negotiation of wage increases was left in the hands of existing unions. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. In August the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers organizations (see Section 6.a.). In 1998 for the first time since independence, the country's banks, which are entirely privatized, signed a collective bargaining agreement, regulating the labor relationship between bank management and staff.

The law provides for the creation of export processing zones (EPZ's); in July MOZAL became the first firm to produce goods in an EPZ. Workers in EPZ's are subject to the same labor regulations as other workers, and worker rights are respected in practice.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by law; however, while there were no reports of such practices in the formal

economy, there were reports that women were trafficked to South Africa for forced prostitution and forced labor (see Sections 5 and 6.f.) The law does prohibit forced and bonded labor by children, although children in rural areas were used as labor to settle financial and other disputes, with their families delegating their children to work limited periods of time to settle economic debts (see Sections 5, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is regulated by the 1998 Labor Law. In the wage economy, the working age without restrictions is 18 years. The revised 1998 labor law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Ministry of Labor regulates child labor in both the informal and formal sectors.

Child labor remains widespread in the country, especially in rural areas where children sometimes work alongside their parents or independently in seasonal harvests or commercial plantations. Employers normally pay children on a piecework basis for such work, which principally involves picking cotton or tea leaves.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children are employed in regular wage positions; however, children, including those under age 15, commonly work on family farms or in the urban informal sector, where they perform such tasks as “guarding” cars, collecting scrap metal, or selling trinkets and food in the streets. The informal labor sector is unregulated. Children also are employed in domestic positions; the number of children in domestic positions appeared to be rising. In a September 1999 newspaper survey, labor union representatives noted the growing presence of children in construction jobs. Child prostitution also appears to be growing, especially in the Maputo, Beira, and Nacala development corridors, which have highly mobile populations and a large number of transport workers. Child prostitution also appears to be growing in rural areas (see Section 5).

Less than 50 percent of school-age children attend classes (see Section 5); children not in school frequently are employed in the agricultural and casual labor sectors.

In June 1999 the Government signed ILO Convention 182 on the Worst Forms of Child Labor; however, the Government had not ratified it by year’s end.

The law does prohibit forced and bonded labor by children, although children in rural areas were used as labor to settle financial and other disputes, with families delegating their children to work limited periods of time to settle economic debts (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The industrial minimum wage of approximately \$35 (568,980 meticaïs) per month, is set by ministerial decree, although the level is recommended through an administrative process which consists of a tripartite commission composed of labor unions, government representatives, and employer groups. There is also an agricultural minimum wage of approximately \$24 (382,725 meticaïs) per month, which is established through the same tripartite process. Neither minimum wage is considered sufficient to provide a decent standard of living for an average worker and family, and many workers must turn to a second job, if available; maintain their own gardens; or depend on the income of other family members to survive. Only a small percentage of laborers work at the minimum wage level. Less than 10 percent of workers are in salaried positions, and the majority of the labor force is employed in subsistence farming and the informal sector. Although the industrial sector frequently pays above minimum wage, there is little industry outside of the Maputo area. In August the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations (see Section 6.a.). Following tripartite negotiations among the Government, employers, and labor unions, the Government agreed to raise the minimum wage by 30 percent. The Government granted an increase of 26 percent in July; however, due to funding constraints, the final 4 percent was not yet implemented by year’s end.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually are investigated only after workers register a complaint. It is customary for workers to receive benefits such as transportation and food in addition to wages. There is an obligation for workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Secu-

ity, to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts grew. During the year, many workers were unable to claim unemployment benefits. Workers who previously had labored in East Germany have requested sums that were set aside from their wages to serve as pensions at a later date; the German government previously attempted to transfer these amounts to the Government, Government never received these amounts due to suspected embezzlement by a government employee, and the Government claimed that it could not reimburse the workers.

The standard legal workweek is 44 hours, with a weekly 24-hour rest period.

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforces these laws ineffectively, and the Government only occasionally has closed firms for noncompliance. The Labor Ministry reported 729 industrial accidents in 1999, with 38 deaths. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. During the parliamentary debate in 1998 on revision of the Labor Law, delegates noted that there continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment, although this right was restricted in practice.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons, although trafficking can be addressed under labor, immigration, and child welfare laws, and there were reports that women were trafficked to South Africa for forced prostitution and forced labor (see Sections 5 and 6.c.). Women are lured into the country by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into the country. The LDH was investigating a report by two women from Manhica that they were promised jobs in South Africa and then forced to work in a brothel when they arrived there; the investigation was ongoing at year's end. On occasion the media reported that citizens worked in foreign countries for low wages or in poor conditions.

Unlike in the previous year, there were no reports that women and children were trafficked to Swaziland.

There were reports that children in rural areas often were used as bargaining chips to settle financial and other disputes in rural areas (see Sections 5 and 6.c.). Families delegate their children to work limited periods of time to settle economic debts.

The Government did not take any specific actions to combat trafficking during the year.

NAMIBIA

Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were free, but included some instances of government harassment of the opposition and unequal access to media coverage and campaign financing. Although the Constitution formerly limited the President to two terms in office, in November 1998, the National Assembly amended the Constitution to permit President Nujoma to run for a third term. In the 1999 elections, President Nujoma won 77 percent of the vote and SWAPO won three-quarters of the seats in the National Assembly. The judiciary is independent.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, share responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security related intelligence inside and outside the country. As a result of crossborder fighting from Angola, there were increased abuses by the security forces in the Kavango and Caprivi regions. NDF soldiers were sent to the Democratic Republic of the Congo (DRC) in 1998 and remained there throughout the year. Members of the police force committed serious human rights abuses.

Namibia's modern market sector produces most of its wealth, while a traditional subsistence agricultural sector (mainly in the north) supports most of its labor force. The principal exports are diamonds and other minerals, cattle, and fish. Ranching still is controlled largely by white citizens and foreign interests. In other industries, including the important mining, fishing, and tourism sectors, the participation of in-

indigenous entrepreneurs is being increased to provide opportunities for black citizens. Per capita annual gross domestic product is approximately \$1,400. However, there is an extreme disparity between income levels of black citizens and white citizens. Unemployment was nearly 40 percent and affected primarily the black majority.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Members of the security forces committed several extrajudicial killings while conducting extensive security operations in the Kavango and Caprivi regions along the country's northern border with Angola. After fighting between the Angolan Armed Forces (FAA) and forces from the National Union for the Total Independence of Angola (UNITA) crossed into the country, security forces involved in anti-UNITA security operations killed civilians. The Government did not account for the whereabouts of some persons detained by the security forces. During arrests and detentions, security force members beat citizens and Angolan refugees who were suspected of complicity with UNITA. There were other reports of police mistreatment of suspects in detention, and refugees were denied legal protections during detention. Some security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, the Government did not take legal or administrative action in many other cases. Prison conditions and conditions in military detention facilities were spartan. Arbitrary arrest and lengthy pretrial detention are problems. A large court backlog, due primarily to resource constraints, continued to lead to lengthy delays of trials. High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. There continued to be a ban on all public demonstrations that did not have prior police approval, and, on a few occasions, the Government prevented some demonstrations. On occasion the Government restricted freedom of movement. The authorities continued to deport Angolan citizens without review by an immigration tribunal, as required by the law; however, there were no reports of such deportations during the latter half of the year. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government took some steps during the year to address these problems. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted, especially in remote rural areas where indigenous persons often were unaware of their rights. There were reports of forced labor, including by children. The Government took steps to end child labor, and the problem of child labor declined.

Members of the FAA and UNITA involved in the crossborder fighting in the northern part of the country committed extrajudicial killings, beat civilians, and according to local and international human rights groups, committed a number of rapes.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Members of the security forces committed several extrajudicial killings in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces crossed over into the country. At times security forces used excessive violence against citizens and Angolan civilians along the northern border of the country, and security forces involved in anti-UNITA operations killed a number of civilians during the year. On January 10, SFF members in Hakusembe fired into a crowd of refugees and shot and killed a 6 year-old girl, Heremine Nyumbu. On January 27, SFF members shot and killed Mpengu Haininga as he tried to escape arrest in Sheghuru village east of Rundu. On March 10, a SFF member shot and killed Mapeu Moroshi in Thipanana Rughongo village. A SFF member was arrested and charged with the killing; however, there was no further information available on the case by year's end. On June 8, NDF soldiers shot and killed Felizberto Toto in the village of Nakazaza west of Rundu.

At times the Government took action against security forces responsible for deaths; however, in many other cases, the Government failed to take action against security force members responsible for killings.

During the early months of the year, senior civilian and military government officials made public statements acknowledging that security forces abused and killed civilians in the Kavango and Caprivi regions during security operations in response to crossborder UNITA attacks in the country, and they publicly called for greater discipline and respect for human rights by the NDF and police forces. The NDF and

police forces implemented human rights training with the assistance of UNHCR and the Legal Assistance Center, a domestic nongovernmental organization (NGO).

In November 1999, a police officer in Okahandja beat to death a student who was arrested and in custody for disorderly conduct. The police officer immediately was suspended, charged, and released on bail; his trial was still pending at year's end.

In August 1999, security force officers killed 8 Caprivi Liberation Army (CLA) rebels and several civilians, and they beat, arrested and detained suspected CLA rebels and sympathizers during operations against the CLA after an August 1999 CLA attack at Katima Mulilo. No action had been taken against the implicated officers by year's end. Representatives of some international human rights organizations visited the country to investigate the August 1999 killings and abuses, and Amnesty International (AI) released a report during the year (see Section 4).

There was no further information available on the case against a SFF officer who shot and killed James Chilunda, a civilian, in the Caprivi village of Singalamwe in July 1999.

After the Government decided in December 1999 to allow the FAA to launch anti-UNITA attacks from the country's territory, there was extensive crossborder fighting, which resulted in civilian deaths and injuries. On January 9, two civilians were shot and killed during crossborder fighting in Nkonke. In February three civilians were killed and nine houses were burned during crossborder fighting in Shinyungwe village.

FAA soldiers killed a number of civilians during the year. On January 22, an FAA member killed Thadeus Mubili in Mushangara in western Caprivi. On May 27, the FAA killed Thaddeus Vili at Bagani near the Kavango and Caprivi regions. In both cases, the responsible FAA members were arrested immediately after the killings and returned to the FAA for punishment; however, it is not known if the FAA took further action by year's end.

During raids in the Kavango and Caprivi regions, UNITA forces killed civilians.

UNITA used landmines, which resulted in dozens of deaths and numerous injuries of civilians and security force officers. The Government reported that by October 12 persons were killed and 107 were injured by landmines in the Kavango region and the western part of the Caprivi region (see Section 1.c.). There also was some evidence that FAA members used landmines in villages.

On January 3, unknown armed men attacked a family of foreign tourists on the Trans-Caprivi Highway, killing three children and injuring their parents; the incident was under investigation at year's end.

b. Disappearance.—There were no confirmed reports of disappearances perpetrated by the security forces during the year. Although the Government arrested a number of suspected UNITA supporters in the Kavango and Caprivi regions and detained them for several weeks, they all were accounted for by year's end.

During several crossborder attacks into the northern area of the country, UNITA kidnaped Namibian citizens and took them to Angola. There were reports that some of the kidnaped persons were raped or forced to serve as combatants or porters (see Section 6.c.).

There were no further developments on the disappearance of persons detained by SWAPO prior to independence.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides that no persons shall be subject to torture or to cruel, inhuman, or degrading treatment or punishment; however, in practice, prisoners sometimes were beaten or otherwise mistreated by police, especially by members of the SFF. There were serious abuses in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled into the country. During arrests and detentions, security force members beat citizens and Angolan refugees who were suspected of complicity with UNITA.

On January 7, SFF members arrested Erkki Fiderato in a village east of Rundu. The SFF members allegedly beat Fiderato with rifle butts during his arrest and with an iron bar while he was in detention at Utokota SFF base. On January 10, SFF members in Hakusembe shot and wounded Kandepwe Kapama when they fired shots into a crowd of refugees (see Section 1.a.). On January 12, police shot and injured Kathumbi Diyeve in the head as he ran from security forces in the village of Muijiku in western Caprivi. On January 28, members of the SFF beat Lucas Kavura and his father, Daniel Nyambe, in their home in the Sambyu area and again at a special field force base. On February 3, SFF members arrested Kamungwe Ngondo and held him in detention for 2 weeks at the Rundu airport military base, during which time officers reportedly beat him with rubber whips, called sjamboks. On February 4, members of the SFF shot and wounded Muyeve Thadeus Munango, reportedly while he was fishing in the Kavango River. On February 10, SFF officers arrested Hompa Anton in Sauyemwa near Rundu; they beat

him with rifle butts, whipped him, and kicked him during his arrest and detention. He was hospitalized for a broken vertebrae.

SFF members reportedly beat persons whom they stopped for identification checks. For example, on January 24, SFF members arrested Kapindi Mpepo, Haupindi Hamuyera, and Petrus Paulus and beat them with sjamboks when they were unable to produce Namibian identity documents; the three were later found to be citizens and were released.

On September 18, 18 NDF soldiers were convicted by courts-martial of assault for severely beating and pouring hot water on seven persons on August 21 in Sivara, west of Rundu. The soldiers were sentenced to 2 years in prison; however, they remained in the NDF and their sentences were suspended on the condition that they not commit assault within the next 2 years.

In October there were reports that security forces targeted members of the Kxoe minority group for harassment during antiUNITA operations in the Caprivi region.

At times, security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, in many other cases, the Government did not take any action against those responsible for abuses.

In 1999 security forces responded with violence to secessionist attacks. The Legal Assistance Centre (LAC) was representing former parliamentarian Geoffrey Mwilima in a civil suit against the Government for damages for their mistreatment by police after the August 1999 CLA attack at Katima Mulilo. Security forces beat Mwilima and other suspected CLA members and sympathizers with sjamboks and rifle butts during arrest and detention. A police spokesman stated publicly on several occasions that the Police Complaints and Discipline Unit was conducting investigations into the abuse of detainees; however, at year's end, the LAC case against the Government had not been heard, and the Government had not taken administrative action against those responsible. Chrispin Sinfua also initiated a civil suit against the Government for the abuse that he suffered in 1999; the trial had not begun by year's end. The LAC reported that 120 civil suits had been filed relating to the 1999 state of emergency in Caprivi.

In 1994 the police instituted a human rights training course designed by the LAC, which was ongoing; during the year, the LAC introduced a police human rights manual. During the March 30 opening of the human rights training facility, the head of the Police Complaints and Discipline Unit, Commissioner Sebastian Ndeitunga, announced that the Inspector General had prohibited the use of sjamboks by police, a directive which became effective immediately. The directive generally was observed by police and resulted in some decrease in reports of police brutality; however, police still are permitted to use batons. There was one report of police use of sjamboks after March 30; it is not known whether disciplinary action was taken against the officer responsible.

Numerous crossborder attacks into the country by UNITA forces, the use of landmines by UNITA, and the abuse of civilians in the northern part of the country by FAA troops resulted in dozens of deaths and many injuries to civilians (see Section 1.a.). The Government reported that by October, 107 persons had been injured by landmines. There were reports that UNITA forces kidnaped female citizens and raped them. There were reports of intimidation and abuse of civilians by the FAA, including sexual harassment, threatening behavior by drunken soldiers, and indiscriminate use of firearms. In August the all-SWAPO region council for Kavango recommended the removal of Angolan Government troops from the country because of their harassment of Namibian civilians.

In September 1999, many detainees exhibited evidence of extensive injuries inflicted by police during their detentions, including detainees Oscar Lupalezwi, Stephan Ntelamo, and Allen Sameja. All three identified their abusers as police sergeant Patrick Liswani and two constables named "Haipa" and "Oupa." During the year, the Prosecutor General requested additional investigations in the criminal case against FAA officers Patrick Liswani, Haipa, and Oupa; there was no further action on the case by year's end.

On January 3, foreign tourists were attacked and injured by unknown armed men on the Trans-Caprivi Highway (see Section 1.a.).

Prison conditions and conditions in military detention facilities are spartan, although the Government continued to focus attention on improving living conditions. Visits by the International Committee of the Red Cross (ICRC) and foreign diplomats found conditions in prisons to be clean and orderly. Human rights organizations continued to complain about prison overcrowding. In 1995 the Government created a Ministry of Prisons and Correctional Services, charged with administering the country's prisons and jails. The Government also made efforts to separate youthful offenders from adult criminals, although in many rural areas juveniles continued to be held with adults. There are several pilot programs that provide alternatives

to incarceration for juvenile offenders. Female prisoners are held separately from male prisoners. There have been allegations that female prisoners sometimes were abused by prison guards. The Government continued to grant NGO's regular access to prisons and prisoners. The ICRC requested and received prison access, including access to the high security Dorbabis detention facility.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces used arbitrary arrest and detention in practice. According to the Constitution, persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel. However, in practice many accused persons in remote and rural areas are not represented by counsel, primarily due to resource constraints. A trial must take place within "a reasonable time," or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which have extended up to 1 year in some cases (see Section 1.e.). Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the government gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President.

On January 7, SFF members arrested Erkki Fiderato in a village east of Rundu and allegedly beat him while he was in detention at Utokota SFF base (see Section 1.c.). On February 10, SFF officers arrested Hompa Anton in Sauyemwa near Rundu; they beat him with rifle butts, whipped him, and kicked him during his arrest and detention (see Section 1.c.). On February 18, the Central Intelligence Service detained the Katima Mulilo-based head of National Society for Human Rights" (NSHR) Caprivi office, Moses Nasileli, for questioning and they expelled him from the country to Zambia on February 21 (see Section 4). On June 9, a group of Angolan and Congolese refugee musicians were arrested for performing at a Congress of Democrats (COD) rally (see Section 2.d.). The Government returned the musicians to the Osire refugee camp and revoked their permission to live in Windhoek. When some of the musicians later left the camp without government permission, the Government attempted to arrest them. The musicians, represented by the LAC, obtained an injunction against their detention and expulsion from the country. Although the Government initially announced that it would arrest them again, no such action had been taken by year's end. During a security force operation in August, the Government arrested 82 alleged Angolan illegal immigrants in the northern part of the country and detained them under Section 49 of the Immigration Control Act, a provision that gives the Government greater powers to arrest and detain immigrants who may pose a security threat. A majority of the arrested immigrants had lived in the country for many years, and they were detained based on suspicion of involvement in UNITA crossborder attacks. The detainees were held for a month in secrecy before the Government made the arrests and detentions public in September. Although the detainees were interviewed by the ICRC and UNCHR, they were denied legal counsel. The NSHR stated that at least one of the detainees was a citizen and provided his identification card number; however, the Government has disputed the detainee's citizenship, and he continued to be held at Dorbabis detention facility at year's end. The Government stated that it would not forcibly return the detained immigrants to Angola. The detainees remained at Dorbabis at year's end; they had not been charged, and they were not granted access to legal counsel, although ICRC arranged for the Namibian Red Cross to transmit messages to and from their families.

In October there were reports that security forces arrested and detained 3 senior headmen and 10 children from the Kxoe minority group (see Section 1.c.). The children reportedly were later released.

Some traditional leaders reportedly continued to detain and imprison persons accused of minor offenses without recourse to police or judicial review. In response the Government instructed traditional leaders on the legal limits of their authority.

During the August 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred of suspected CLA members and sympathizers. Most of the detained were held incommunicado for 2 weeks, which the Constitution allows during states of emergency, before the Government provided public notice of the detentions. All of the detained were arraigned on charges, but were denied bail and remained in detention at year's end; their trials were postponed until April 2001. While the majority of detentions during the state of emergency occurred in the Caprivi region, on August 7 and 8, Albert Sibeya and Martin Sichimwa Mutumba were arrested in Ongwediva in the north-central part of the country. The NSHR protested the use of emergency measures to detain

suspects outside of the Caprivi region, and the LAC initiated a constitutional case against the arrests. The case had not been heard by year's end.

The Government generally does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The formal court system has three levels: 30 magistrates' courts; the High Court; and the Supreme Court. The latter also serves as the court of appeals and as a constitutional review court.

Most rural citizens first encounter the legal system through the traditional courts, which deal with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The Traditional Authorities Act delineates which offenses may be dealt with under the traditional system.

The constitutional right to a fair trial with a presumption of innocence until proven guilty generally is afforded by the judiciary; however, this right is somewhat limited in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system.

The lack of qualified magistrates, other court officials, and private attorneys has resulted in a serious backlog of criminal cases, which often translated into delays of up to a year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Many of those awaiting trial were treated as convicted criminals.

In July the Minister of Home Affairs criticized foreign judges serving in the judiciary after a High Court issued a restraining order against the Government and threatened to withdraw work permits of foreign judges; however, in August the Minister subsequently apologized (see Section 2.a.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations of national emergency, and government authorities generally respected these rights in practice. In general violations were subject to legal action.

Under the 1997 Namibian Central Intelligence Service (NCIS) Bill, the NCIS is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security. However, wiretaps and covert surveillance require the consent of a judge.

In February UNITA forces killed three civilians and burned nine houses in Shinyungwe village (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, subject to "reasonable restrictions" in situations such as a state of emergency, and the Government generally respected these rights; however, at times high level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the government-owned media.

Reporters for independent newspapers continued to criticize the Government openly and do not engage in self-censorship. During the year, high-level government officials sharply and publicly criticized journalists, human rights groups, and opposition politicians in response to perceived criticism of the Government or ruling party (see Section 4). The NSHR issued a report in 1999 citing 20 such incidents. Such verbal attacks do not appear to have had a major impact on the aggressive style of the independent media or the work of human rights groups or opposition political parties. NGO's involved in media issues maintained that reporters working for the government-owned New Era newspaper were subjected to indirect and direct pressure not to report on certain controversial topics, and although the New Era sometimes covered opposition party activities and views that were critical of the Government, the Government exerted increasing control over its news content during the year.

The government-owned NBC operates most radio and television services. Media observers believe that NBC reporters exercised considerable self-censorship on certain controversial issues, although the NBC provided some coverage to opposition parties and viewpoints critical of government policies. However, a newly-appointed NBC Director instituted management changes that were criticized for enforcing ideological compliance with the Government and seeking to diminish government opposition. In September a senior NBC staff member won a court injunction against her reassignment, which was part of the restructuring process, but it was perceived by journalists and legal and human rights groups to be as a response to her critical news coverage of the Government.

There were five private radio stations, one private television station in the town of Rehoboth, and a private cable and satellite television service that broadcasts the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owns 51 percent of this cable service. There are no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television is growing.

There are no restrictions on Internet access or use. There are growing numbers of domestic web pages, and one of the independent newspapers has a popular website.

In October 1997, the Ministry of Information and Broadcasting (MOIB) issued new regulations for journalists. In March the MOIB was absorbed into a combined Ministry of Foreign Affairs and Information and Broadcasting. Regulations require foreign journalists who seek to visit the country to provide a month's advance notice to the Ministry of Foreign Affairs and Information and Broadcasting, stating the purpose of their proposed visit. Journalists are required to schedule appointments with government officials through the Ministry of Foreign Affairs and Information and Broadcasting and request permission to visit areas under the control of the Ministry of Environment and Tourism. Additionally journalists must obtain a temporary work permit from the Ministry of Home Affairs. Several major conferences in the country attracted large numbers of international journalists.

The Government respects academic freedom. There were no reports of interference with, or harassment of, these activities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, except in situations of national emergency, and the Government generally has respected this right in practice; however, on a few occasions the Government prevented demonstrations.

Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government. In August the Government prevented two peaceful protest marches from delivering petitions to State House during the summit of heads of state of the Southern African Development Community (SADC).

On June 8, SWAPO supporters intimidated COD members arriving for a rally in the Gobabis "singles quarters" (used during the apartheid era to house male workers living away from their families). The COD cancelled the rally.

The Constitution provides for freedom of association, even in times of national emergency, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, except in situations of national emergency; however, on occasion the Government restricted these rights in practice. SFF members reportedly beat persons whom they stopped for identification checks. For example, on January 24, SFF members arrested three persons and beat them with sjamboks when they were unable to produce Namibian identity documents (see Section 1.c.).

Namibian and Angolan security forces forcibly returned Angolan refugees entering the Kavango region on several occasions during the year. There were allegations that young males were separated from their families, arrested, returned to Angola, or forced into conscription with the Angolan army. UNHCR requested and was granted access to immigration tribunal proceedings. The UNHCR provided training for security and immigration officials in response to a Government request, and there were no reported forced returns during the latter half of the year.

A law containing provisions for dealing with refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol was passed in 1998 and signed into law by the President in March 1999. The Government cooperates with the UNHCR on the granting of refugee status to asylum seekers. The Government's eligibility committee continued to meet on a regular basis to consider asylum requests, and the UNHCR was permitted to intervene in those cases where immigrants would qualify for refugee status. Illegal immigrants continued to be detained for short periods prior to their deportation proceedings. In cases where illegal immigrants are alleged to pose a security threat, they can be detained for longer periods under Section 49 of the Immigration Act.

The Government provided first asylum and continued to permit asylum seekers to enter the country. The UNHCR estimates that approximately 26,000 persons eligible for refugee status are residing within the country. There were approximately 18,000 refugees and asylum seekers at the Osire camp, 95 percent of whom are from Angola. The remaining refugees are from the Democratic Republic of the Congo, Bu-

rundi, Rwanda, Tanzania, and other African countries. Government officials interview asylum seekers. Those granted refugee status generally were not permitted to work, live outside the Osire refugee camp, or attend schools. Schools have been established at the Osire refugee camp. The Osire camp, which was designed to accommodate 5,000 refugees, experienced severe overcrowding problems during the year.

During the first few months of the year, the authorities deported some Angolan citizens without review by an immigration tribunal, as required by law. The deportation of military-age Angolan men led the NSHR to accuse the police of assisting the Angolan government in its conscription efforts (see Section 2.d.). After the local UNHCR office provided training for immigration and security force officials beginning in late 1999, the number of such extra-legal deportations declined.

On February 21, the Central Intelligence Service expelled from the country to Zambia the Katima Mulilo-based head of NSHR's Caprivi office, Moses Nasileli. Nasileli was a Zambian national who had lived in the country since 1985, was married to a citizen, and had six citizen children (see Section 4).

In October officials denied foreign Red Cross members access to the Osire refugee camp based on new permit requirements. The Namibian Red Cross Society (NRCS) temporarily withdrew from the Osire camp after the incident. In April the Government, UNHCR and the NRCS entered into a tripartite agreement to provide for refugees in the Osire camp; the agreement designates the NRCS as the primary service provider. As a result, coordination among the parties improved during the year.

In August the Government arrested and detained 82 alleged Angolan illegal immigrants in the northern part of the country based on suspicion of UNITA involvement. The majority of the arrested immigrants had lived in the country for many years. Although the detainees were interviewed by the ICRC and UNHCR, they were denied legal counsel. The Government stated that it would not forcibly return the detained immigrants to Angola (see Section 1.d.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the November 30 to December 1, 1999, general election, which international and domestic observers agreed was generally free and well-administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign, and unequal access to media coverage and campaign financing were problems. Nevertheless voter turnout was over 60 percent and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was reelected. Although the Constitution formerly limited the President to two terms in office, in November 1998, the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. Four opposition parties won a total of 17 seats in the National Assembly, including the COD party, which won the largest number of opposition votes, the Democratic Turnhalle Alliance (DTA), the United Democratic Front, and the Monitor Action Group.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years.

Opposition parties generally were able to undertake political activity such as advertising and holding party conferences and public rallies. However, prior to the June National Assembly by-election in Gobabis, SWAPO supporters prevented the COD from holding a rally (see Section 2.b.).

In July 1998, the Government created an independent electoral commission and named a broad based group of respected individuals to the commission. The Government also named a respected former journalist as the new Director of Elections.

Leaders of the opposition have criticized the ruling party for its decision to amend the Constitution to permit the President to seek a third term. Ambassador Ben Ulenga, the High Commissioner to Great Britain and also a high level ruling party official, resigned in 1998 from his diplomatic post after he was unsuccessful in getting the ruling party to debate the third term issue. In March 1999, Ulenga formed the COD opposition party, and in the general election the COD won approximately 10 percent of the vote and seven seats in the National Assembly.

Members of the National Assembly are elected on a party list system on a proportional basis.

Women remained underrepresented in government and politics. There were 3 female ministers and 4 female deputy ministers of a total of 42 ministerial and deputy ministerial positions. In addition one woman held a cabinet-level position as Director of the National Planning Commission. Women served as Ombudswoman and as the Government Attorney. Women held 18 of 98 parliamentary seats in the National

Assembly. In 1996 female legislators formed a Women's Caucus in Parliament to review legislation for gender sensitivity.

Historic economic and educational disadvantages have served to limit the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in Parliament and in senior positions in the Cabinet. Members of smaller ethnic groups hold the offices of Prime Minister, Deputy Prime Minister, Minister of Foreign Affairs, and Speaker of the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During the year, high-level government officials continued to use harsh language in responding to criticisms of the ruling party and government policies by nongovernmental organizations. For example, government officials publicly stated on numerous occasions during the year that critics were a "fifth column for UNITA" and guilty of "treason." Government officials also have attacked verbally the NSHR and the Breaking of Walls of Silence (BWS) movement, which acts as an advocate for former detainees imprisoned by SWAPO prior to independence. In January a member-elect of the National Assembly from the ruling party stated on a call-in radio show that he supported an earlier caller's threat to "eliminate" the executive director of the NSHR.

On February 18, the Central Intelligence Service detained the Katima Mulilo-based head of NSHR's Caprivi office, Moses Nasileli, for questioning and expelled him from the country to Zambia on February 21. Although the Government justified the deportation based on his alleged support for Caprivi separatists, reportedly he was deported because of his NSHR affiliation. Nasileli was a Zambian national who had lived in the country since 1985, was married to a citizen, and had six citizen children.

However, despite verbal attacks, other local NGO's such as the LAC, the NSHR, the BWS Movement, and those working with indigenous groups continue to criticize government policies freely. Both the NSHR and the Namibia Institute for Democracy (NID) maintain field offices in the Kavango region. Human rights organizations are generally free to investigate reports of abuses in the region and to release reports.

In addition human rights organizations and academic organizations, such as the Media Institute for Southern Africa, the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. For example, in the early part of the year, leaders of the Council of Churches of Namibia (CCN) criticized the Government for the behavior of security forces along the Angolan border. The Media Institute of Southern Africa (MISA), which is based in Windhoek, periodically issues reports criticizing the Government.

Representatives of international human rights organizations, including AI, visited the country to investigate allegations of human rights abuses, including reports of summary executions and the treatment of Caprivi separatists arrested in August 1999 (see Sections 1.a., 1.c., and 1.d.). In March AI issued a highly critical report of abuses by security forces along the Angola border.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid." During the year, there was a significant improvement in the attention paid to women's issues and the rights of the disabled.

Women.—Violence against women, including beating and rape, is widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. However, there continued to be an improvement in the attention paid to the problems of rape and domestic violence. Government ministers joined in public protests against domestic violence, and the President, members of his Cabinet, and parliamentarians continued to speak out against it. Longer prison sentences were handed down to convicted rapists and abusers in many cases during the year. NGO's expressed concern that the court system does not have mechanisms to protect vulnerable witnesses from open testimony, and the Government worked on establishing judicial procedures to address the problem. Police stated that more women came forward to report cases of rape and domestic violence. On February 22, the National Assembly passed the Combating of Rape Act. In April

the act was passed by the National Council and signed by the President. The act defines rape in broad terms, and allows for the prosecution of rape within marriage.

In June the police began a special training course on gender sensitivity. Centers for abused women and children in Oshakati, Windhoek, Keetmanshoop, Walvis Bay, and Rehoboth are staffed with specially trained female police officers to assist victims of sexual assaults. Safe houses opened in Mariental, Swakopmund, and Tsumeb. At the end of February, the LAC sponsored a 3-day national conference on violence against women.

The Constitution prohibits discrimination against women, including employment discrimination. The Married Persons Equality Act prohibits discriminatory practices against women married under civil law. Women married in customary (traditional) marriages continued to face legal and cultural discrimination. Traditional practices that permit family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

In 1996 the President elevated the head of the Department of Women Affairs to cabinet rank, and it became the Ministry of Women's Affairs and Child Development in March. In June 1998, President Nujoma addressed traditional leaders; he made a forceful case for better treatment of women in traditional communities.

There were reports that UNITA forces kidnaped female citizens and raped them (see Sections 1.b. and 1.c.).

Children.—The Constitution enumerates children's rights, including those in the area of education and health. During the year, 25 percent of government expenditures were designated for education and 15 percent for health care, a slight decrease from previous years. However, in practice, outmoded policies and laws and an untrained work force led to inadequate attention to child welfare. The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, hostel costs, and school improvement, placed a burden on students' families. The inability of poorer families to pay the fees, which varied greatly between regions, precluded some children from attending school. In these cases, families were less likely to continue to pay fees for girls, particularly those at the junior secondary level. Many San children do not attend school. It is difficult for the Government to ensure enforcement of national laws against child labor on commercial farms (see Section 6.d.).

Child abuse is a serious and increasingly acknowledged problem. The authorities vigorously prosecuted cases involving crimes against children, particularly rape and incest. The 1960 Children's Act criminalizes and protects children under 18 years from sexual exploitation, child pornography and child prostitution. The age of sexual consent is 16 years. Courts handed down stiffer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children were working actively to reduce the trauma suffered by abused children. The LAC launched a national campaign to revise legislation on child maintenance in 1999. The Child Maintenance Bill was sent to the Cabinet for discussion in 1999; however, by year's end no movement was made towards tabling it in Parliament. The bill would require divorced spouses to provide maintenance allowances for their children.

The Government expanded programs to separate juvenile offenders from adults in the criminal justice system. Separate facilities for child offenders have been established in Windhoek and Mariental (see Section 1.c.).

Overcrowding at the Osire refugee camp has affected children who are residing there. There were approximately 6,000 school-age children at Osire, and there was a shortage of classrooms (see Section 2.d.).

People with Disabilities.—While discrimination on the basis of disability is not addressed in the Constitution, the 1992 Labor Act prohibits discrimination against disabled persons in employment; however, enforcement in this area is weak. Although there was no legal discrimination against persons with disabilities, societal discrimination persists. The Government legally does not require special access to public buildings for the disabled, and many ministries remain inaccessible to the disabled. Although some municipal governments have installed ramps and special curbing for the disabled at street crossings, physical access for those with disabilities remained a problem due to resource constraints. Disability issues received greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities. In December 1998, the Government launched a campaign to expand economic opportunities for and change attitudes about persons with disabilities.

Indigenous People.—The Bushmen, also known as the San people, the country's earliest known inhabitants, historically have been exploited by other ethnic groups.

The Government has taken a number of measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally-held lands and increasing their access to primary education; however, many San children do not attend school. In late 1999, a San was nominated by the SWAPO party for the National Assembly and won the election; he was sworn in in March. Reports from the NSHR and in the press claim that civilians from the Mafwe and Kxoe San ethnic groups were targeted for harassment during the police campaign against Caprivi separatists in 1998 and continued throughout the year.

By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources. However, Bushmen and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

In 1997 the Government unilaterally announced plans to expand a prison in the West Caprivi Game Park on land claimed by the Kxoe ethnic group. The expansion would deny access by members of the Kxoe ethnic group to revenues from community-based tourism projects on their lands. The projects are an important mechanism for empowering the Kxoe to benefit from tourism activities in their community. However, there was some question regarding the Kxoe's right to occupy that land. As of year's end, no final decision on the prison expansion had been announced.

The Government plans to build a hydroelectric dam on the Kunene River that would flood ancestral graves and grazing areas of the semi-nomadic Himba people. The project was highly controversial. The Government has made repeated efforts to consult with Himba leaders regarding the project, but many of the Himba chiefs remain adamantly opposed to the project. Government leaders have criticized harshly those opposed to the project, terming them "enemies of development."

The 1995 Traditional Authorities Act, defined the role, duties, and powers of traditional leaders. The act provided that customary law is invalid if it is inconsistent with provisions of the Constitution. It enumerated the types of crimes that may be addressed in traditional courts. The act assigned to traditional leaders the role of guardians of culture and tradition, and it also mandated that traditional leaders elected to Parliament choose between their traditional and elected offices before the end of 1996. This provision has not been enforced, and several traditional leaders remain in Parliament.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, was especially controversial because of the leaders' influence on local events including local police powers. In some cases, the Government has withheld recognition from genuine traditional leaders who have sympathy for the political opposition. This has been especially true in the Khoe San and Mafwe communities in the Caprivi and in the Herero community. Mafwe chief Boniface Mamili fled the country with other Caprivi separatists in late 1998. Despite opposition from the Mafwe community, Minister of Local Government Nicky Iyambo ruled that Mamili had forfeited his position, and in March 1999, the Government installed a rival chief. In June 1998, a number of traditional leaders boycotted the inauguration of the Traditional Leaders' Council, claiming that the installation was illegal, as some of the leaders chosen by the Government did not represent their communities.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on race and other factors and specifically prohibits "the practice and ideology of apartheid." In July 1998, Parliament passed amendments to the 1991 Racial Discrimination Prohibition Act that strengthened the act and the penalties for discriminatory practices. The act codified certain protections for those who cite racial discrimination in the course of research (including academic and press reporting) or in trying to reduce racial disharmony. Nevertheless, as a result of more than 70 years of South African administration, societal, racial, and ethnic discrimination persists. There were several reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners. Many non-whites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land.

Some citizens complained that the SWAPO-led government provided more development assistance to the numerically dominant Ovambo ethnic group of the far north than to other groups or regions of the country.

NSHR claimed that members of the Kxoe minority were harassed during security force operations in the Kavango region (see Sections 1.c. and 1.d.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including freedom to form and join trade unions, and the Government respects this

right in practice. The 1992 Labor Act extended that right to public servants, farm workers, and domestic employees. However, farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. Despite concerns created by a 1999 Ministry of Labor report that questioned a growing number of trade unions, the Government has not taken action to dissolve any trade unions.

Unions are independent of the Government and may form federations. The two principal trade union organizations are the National Union of Namibian Workers (NUNW) and the Namibia Federation of Trade Unions (NFTU). Prior to independence, the NUNW was affiliated with SWAPO; despite claims that its affiliation came to an end at independence, the two still are closely linked. The NUNW was invited to nominate candidates for SWAPO's 1999 National Assembly slate, and the NUNW president was nominated by SWAPO and elected to the National Assembly. In 1997 the mine workers union established the Mine Workers Union Investment Company to supplement union dues. The NFTU, launched in October 1998 and made up of several large public service, teachers, mining, and maritime unions, is critical of the Government. Less than 20 percent of full-time wage earners were organized. Trade unions lacked capacity and resources.

Except for workers providing essential services such as jobs related to public health and safety, and workers in the export processing zones (EPZ's), workers enjoy the right to strike once conciliation procedures have been exhausted, and 48-hour notice has been given to the employer and labor commissioner. Under the Labor Act, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The Labor Act protects workers engaged in legal strikes from unfair dismissal. In September there was a strike in the fishing industry.

Unemployment, which is nearly 40 percent, remained a significant problem and affected primarily the black majority.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions exercise this right without interference.

b. The Right to Organize and Bargain Collectively.—The 1992 Labor Act provides employees with the right to bargain individually or collectively. Collective bargaining is not practiced widely outside the mining and construction industries, which have centralized, industry-wide bargaining. Almost all collective bargaining is at the workplace and company level. However, as unions became more active, informal collective bargaining was becoming more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

The Labor Act provides a process for employer recognition of trade unions and protection for members and organizers. The law also empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals, which may be appealed to the Labor Court.

There are EPZ's at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZ's outside of these parks. The Labor Act applies to EPZ's, including the one in Walvis Bay; however, workers in EPZ's were prohibited from striking, and employers were prohibited from engaging in lockouts. Some trade unionists continued to challenge the constitutionality of the agreement reached by government and NUNW representatives codified in the 1995 Export Processing Zone Act because it limited the right to strike. Under the agreement, labor-related issues in the EPZ were referred to a special EPZ dispute settlement panel composed of employers and workers for expeditious resolution. If a dispute is not resolved at this level, it is referred to compulsory arbitration. With only a few businesses operating in the Walvis Bay EPZ, the effectiveness of this agreement in securing the rights of workers in the EPZ could not be determined.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor by adults and children; however, during the year, there were ongoing reports in the media that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Ministry of Labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms in order to investigate possible labor code violations.

There were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Section 1.b. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the 1992 Labor Act, the minimum age for employment is 14 years, with higher age requirements for night work and for certain sectors such as mining and construction. Ministry of Labor inspectors generally enforced minimum age regulations, but children below the age of 14 often worked on family-owned commercial farms and in the informal sector. The 1991 census, which reported on the status of children, estimated that 13,800 children under 15 years of age were in the labor force. Of this total, 41 percent were working as unpaid laborers on family-owned, commercial farms. There were also reports that Ministry of Labor inspectors reportedly encountered problems gaining access to family-owned, commercial farms to investigate possible illegal child labor. Since 1991 the Government has taken steps to end abuses, and the child labor problem has declined. There were also reports that Angolan and Zambian children worked on communal and cattle farms in border areas, although such occurrences have been curtailed since late 1999 by the deportation of illegal immigrants.

The 1960 Children's Act criminalizes and protects children under 18 years from sexual exploitation, child pornography and child prostitution. The age of sexual consent is 16 years.

On November 15, the Government ratified ILO Convention 182 on the worst forms of child labor, and the worst forms of child labor are not practiced commonly. Criminal penalties and court orders are available to the Government to enforce child labor laws, although there are no specific remedies available to individuals for incidents of the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, the media reported that some children worked as farm laborers without adequate compensation (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no statutory minimum wage law. In Windhoek's non-white urban area townships, many workers and their families have difficulty maintaining a minimal standard of living. Black citizens were significantly disadvantaged in standards of living during the apartheid era; however, since 1990 there has been a rapid growth in the living standards of black citizens, and the major economic resources in the country are no longer exclusively controlled by white citizens.

The standard legal workweek is 45 hours, and requires at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions are not observed or enforced rigorously by the Ministry of Labor. In 1996 two NGO studies—one of farm workers and the other of domestic employees—highlighted the extremely poor conditions that some employees encounter while working in these occupations.

The Government mandates occupational health and safety standards. The Labor Act empowers the President to enforce these standards through inspections and criminal penalties. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers do not have this right in practice.

For example, on April 13, 1999, workers at the Navachab gold mine near Karibib occupied the control room at the Ore Mill and shut down production to protest the extreme heat and shortage of oxygen in the mine's metallurgy plant. A prior agreement between the mine and the mineworkers union gave workers the right to leave the workplace if they believed that their safety was threatened; however, mine management protested the shutting of the mill as an "illegal industrial action" and threatened to fine the employees involved. On April 22, the workers reached a compromise with management to set up an independent panel of experts to investigate whether there was an unacceptable health risk at the mill. The panel found that health risks existed at the mill, and management withdrew disciplinary measures against the workers. Although the management agreed to improve working conditions in the mill and to address other labor grievances, the company did not pay strikers for the time when they were engaged in the industrial action, penalized workers who occupied the control room by refusing to give them a month's salary, and issued written warnings to other mill workers who joined sympathy strikes.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery, kidnaping, forced labor, including forced prostitution, child labor, and alien smuggling; however, there were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Section 1.b. and 6.f.).

NIGER

Niger is beginning a process of consolidating a democratic system and a constitutional government following a period of instability during the last democratic government and coups d'état in 1996 and 1999. An April 1999 coup led to the installation of a military-led government, which instituted a 9-month transition to a democracy. A July 1999 referendum approved a new Constitution that provided for a power sharing-presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. The first round of presidential elections took place in October 1999, and presidential runoff and legislative elections were held in November 1999. Tandja Mamadou was elected president with 60 percent of the vote in an election that international observers called free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In January Tandja appointed MNSD member Hama Amadou as Prime Minister. The new Government made some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. During the year, the legislative and judicial branches exercised for the first time their constitutional right to audit the Government's budget. The judiciary is showing signs of independence; however, family and business ties can influence lower courts.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities maintain effective control of the security forces. The armed forces, after a crisis in June prompted by the kidnaping of a senior military official, publicly stated that they would abide by the rules of democracy and stayed out of politics. Members of the security forces committed abuses.

The economy is based mainly on subsistence farming, herding, small trading, and informal markets. Less than 15 percent of the economy is in the modern sector. Uranium is the most important export, though declining world demand has made this sector less profitable. Per capita income is less than \$200, and the country faces problems of drought, deforestation, soil degradation, and exceedingly low literacy. The economy remained severely depressed. Most international aid (an important factor in the economy) was suspended following the April 1999 coup d'état; however, following the presidential and legislative elections in 1999, the country again is receiving foreign assistance.

The Government's human rights record remained generally poor; although there were improvements in several areas, some serious problems remain. With the 1999 election of President Tandja and members of the National Assembly in generally free and fair elections, citizens exercised their right to change their government. Two prisoners disappeared after having last been seen in the custody of military officers. Police and members of the security forces beat and otherwise abused persons, and there were incidents of torture by the military. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. Security forces infringed on citizens' privacy rights. The Government limited freedom of the press. While in general the Government supports the right to association, on at least one occasion, the Government limited this right. The Government frequently restricted freedom of movement. Domestic violence and societal discrimination against women continue to be serious problems. Female genital mutilation (FGM) persists, despite government efforts to combat it. There was societal discrimination against the disabled and ethnic and religious minorities. Worker rights generally are respected. There were reports that a traditional form of servitude still is practiced.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Unlike in the previous year, there were no reports of political or other extrajudicial killings.

On April 9, 1999, members of the presidential guard assassinated President Ibrahim Mainassara Bare and killed or seriously injured several other members of his entourage. The subsequent military-controlled transition government insisted that Bare was killed in an "unfortunate accident;" all perpetrators were granted amnesty by the 1999 Constitution and an amnesty law in January. Members of the Bare family continued to press for a full investigation and punishment for Bare's assassins, although no such action was taken by year's end.

In August 1999, prison guards used tear gas on a group of prisoners in their cells at the Niamey Central Prison, resulting in the deaths of 29 prisoners. A prison supervisor and guard were arrested as a result of the deaths; however, judicial proceedings had not begun by year's end (see Section 1.c.). As a result of this incident, the Minister of Justice promised in 1999 a full investigation and the reform of the prison system, including training guards and humanizing prison conditions; however, at year's end, the Government had not completed the investigation, and no results were released.

In February 1999 a mass grave containing 149 bodies alleged to be those of missing Toubou former rebels was discovered at Bosso near Lake Chad in the far eastern region of the country. The missing men had been expelled from Nigeria as part of a Chad-Niger-Nigeria joint military operation. When last seen by their families in October 1998, the Toubous were in the custody of the Nigerien armed forces. The Government acknowledged the existence of the mass grave. Domestic and international human rights groups called for an independent investigation; however, no such investigation was forthcoming by year's end.

There was no investigation nor action taken in the 1999 case in which a Nigerien-Algerian team of security forces attacked a camp of alleged Islamic fundamentalists in the northwestern corner of Niger, killing between 4 and 15 persons.

The Lake Chad area continues to be patrolled by Nigerian-Nigerien-Chadian joint military forces; however, during the year, the region became more secure, and intercommunal conflict, which in previous years resulted in some killings, declined significantly following the 1998 Toubou Peace Accords.

Unlike the previous year, there were no reports of violent disagreements over land use between sedentary farmers and herders in the Tillaberi Department along the Malian border and the Lake Chad region. Government officials maintained active relations with Malian officials on security and criminal problems. Likewise, security in the North Tillaberi pastoral zones improved significantly, and there were no reported instances of violence during the year.

There were no reports of vigilante killings during the year.

b. Disappearance.—In June two army sergeants disappeared after they were arrested by other soldiers for their alleged involvement in the June 10 kidnaping of Major Djibrilla Hima, the commander of the army's only armor squadron (see Section 1.d.). Djibrilla was kidnaped at an army recreation center and released approximately 24 hours later on June 11 (see Sections 1.c. and 1.e.). Army sources claimed that the two escaped from the country, but their families said that they have not seen or heard from them since they were arrested. In July an investigating judge had a grave on the outskirts of Niamey reopened to determine if it contained the remains of one the sergeants, but it was impossible to identify the decomposed corpse.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police and soldiers beat and otherwise abused persons, and there were incidents of torture by the military.

On June 11 and 12, soldiers beat severely 3 of the 18 soldiers arrested for suspected involvement in the kidnaping of a senior military officer, Major Djibrilla Hima (see Sections 1.b. and 1.d.); others may have been abused. There also were reports that the soldiers tortured the detainees by beating them with fists, belts, and rifle butts. Soldiers who bribed or threatened prison guards to allow them access to the detainees allegedly carried out the beatings. Soldiers reportedly beat one of the detainees in front of Djibrilla and his wife. The prosecutor with overall responsibility for the kidnaping case investigated the torture and disappearance allegations; however, he was removed from the case in mid-August following a month of intensive investigation. By year's end, there was no further investigation into the incident, and no action had been taken against the alleged torturers.

On several occasions, in April and May police used tear gas to disperse protesting students (see Section 2.b.). One student reportedly suffered a broken leg while running from the tear gas.

No action was taken against prison guards who beat and otherwise abused a taxi driver held in detention without charge in 1999.

Prison conditions are poor. Prisons are underfunded and understaffed; all 35 of the country's prisons are dangerous to the health and safety of the prisoners. Prisons are overcrowded. For example, in Niamey's Civil Prison there are more than 700 prisoners in a facility built for 350. Dietary, health, and sanitary conditions are very poor. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. Prisoners are segregated by sex, and minors and adults are incarcerated separately.

Corruption among prison staff is rampant. There are credible reports that prisoners can bribe officials to leave prison for the day and serve their sentences in the

evenings. Prisoners also can claim illness and serve their sentences in the national hospital.

The majority of the prisoners who escaped from the prison in Zinder in 1999 were recaptured; however, others remained at large at year's end.

There was neither investigation nor action taken in the March 1999 case in which military personnel ambushed and beat the publishing director of *La Voix du Citoyen*. There was no action taken in the November 1999 case in which police officials used tear gas to disperse students holding a sit-in in Niamey to press claims for payments of their scholarships; at least 20 students were injured.

Human rights monitors, including the International Committee of the Red Cross, were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Although the Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours, police sometimes violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period begins. Police, acting under authority given them by the Security Law, conduct sweeps to detain suspected criminals.

In June authorities arrested 18 soldiers and former soldiers in connection with the kidnaping of Major Djibrilla Hima; several were beaten or tortured, and 2 disappeared (see Sections 1.b. and 1.c.). Six individuals remained in custody pending trial; they have been charged with kidnaping and conspiracy, but at year's end, they had not been brought to trial.

A number of journalists were arrested during the year (see Section 2.a.).

Following the Maradi riots on November 8 and 9, police arrested approximately 100 persons in Maradi and others in Niamey. At year's end, 31 persons remained in custody in Maradi pending trial and 27 others were in custody in Niamey; they were charged with unauthorized demonstration and threatening public order.

The judicial system is seriously overloaded. There are no legal limits on pretrial confinement of indicted persons. Detention often lasts months or years; however, the Justice Ministry made efforts during the year to accelerate the process. Nevertheless some persons have been waiting as long as 6 years to be charged. Of the prisoners in Niamey's Civil Prison, approximately 500 are awaiting trial or had no charges brought against them.

The law provides for a right to counsel, although there is only one defense attorney known to have a private practice outside the capital. A defendant has the right to a lawyer immediately upon detention. The Government provides a defense attorney for all indigents in felony cases, including minors. Bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevent full exercise of these rights.

The Constitution prohibits exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is occasionally subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influence lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there was evidence during the year of increased judicial independence; for example, in the cases against two *Canard Libere* journalists, the court dismissed the cases on procedural grounds; however, the cases were refiled (see Section 2.a.). In addition in the case against six military officers who continued to be held at year's end for kidnaping Major Djibrilla (see Section 1.d.), the investigating judge actively investigated charges of torture, although subsequently he was removed from the case.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews only the application of the law and constitutional questions. There are also customary courts.

Traditional chiefs can act as mediators and counselors and have authority in customary law cases as well as status under national law where they are designated as auxiliaries to local officials. They collect local taxes and receive stipends from the Government, but they have no police or judicial powers and can only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal training who is advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts are not regulated by law, and defendants may appeal a verdict to the formal court sys-

tem. Women do not have equal legal status with men and do not enjoy the same access to legal redress (see Section 5).

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers comply with government requests to provide counsel, generally they are not remunerated by the Government.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires that police have a search warrant, normally issued by a judge; however, human rights organizations report that police often conduct routine searches without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, on several occasions, the Government limited this right in practice. On five occasions during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces; however, several of the cases resulted in convictions. Canard Libere journalists were convicted of libel against the Prime Minister and undermining the morale of the armed forces; the L'Enqueteur journalists were convicted of publishing false information.

The Government publishes a French-language daily newspaper, Le Sahel, and its weekend edition. There are approximately 12 private French-language weekly or monthly newspapers, some of which are affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulate and report freely. However, strict accreditation requirements imposed on journalists by the 1997 press law remained in place.

In May the armed forces chief of staff, Colonel Moumouni Boureima, brought charges of “undermining the morale of the armed forces” against two Canard Libere journalists, following a series of personal slights regarding Boureima. A court dismissed the case for procedural reasons in June; however, in July Defense Minister Sabiou Dady Gaoh filed the same charge against the same two individuals. They were convicted on October 3, sentenced to 6 months in jail, and fined \$710 (500,000 CFA) each. The prison sentence was suspended. The two journalists planned to appeal, but the appeal was pending at year's end.

In July police arrested the same two journalists with Canard Libere and detained them for several days for publishing an article calling Prime Minister Hama Amadou a “coward” for his alleged avoidance of responsibility in the Djibrilla kidnapping affair. They were tried, but the court again dismissed the case for procedural reasons. Hama again filed the case in July, and the court found one of the journalists guilty of libel in October, fined him approximately \$710 (500,000 CFA), and gave him a suspended sentence. The decision was appealed, but it remained pending at year's end.

In November three journalists from the newspaper L'Enqueteur were convicted on charges brought by the Minister Sabiou for publishing “false news” and “sensitive information” related to articles on purported troop movements near the Benin border in October. The newspaper publisher, Soumana Maiga was sentenced to 8 months in prison and fined approximately \$710 (500,000 CFA); his editor and a reporter received 6-month suspended sentences, and each was fined approximately \$430 (300,000 CFA). Maiga remained in prison at year's end; all three appealed their verdicts, which were pending at year's end.

Since literacy and personal incomes are both very low, radio is the most important medium of public communication. The government-owned Radio Voix du Sahel transmits 14 hours per day, providing news and other programs in French and several local languages. There are several private radio stations; most are locally owned and some feature popular news programs in local languages. These private radio stations generally were less critical of government actions than were the private newspapers. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

In 1998 the Government's Superior Council on Communication prohibited domestic broadcasting services from rebroadcasting programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), and Deutsche

Welle programs without a time delay that would enable the Government to hold local broadcasters responsible for the programs' content. However, domestic affiliates of international services generally did not comply with this prohibition, and during the year, the Government ceased efforts to prohibit domestic rebroadcasting of foreign programs.

Television is a far less important medium than radio. The government-owned Tele-Sahel broadcasts about 4 hours every evening, with programming emphasizing news in French and other major national languages. There was a private television station, TV Tenere. The director of a private radio station operates a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflects government priorities. Presidential activities and conferences dealing with development issues always are reported. Analysis or investigative reporting on domestic topics is extremely rare.

SONITEL, the state-owned telephone monopoly, is the country's only Internet service provider (ISP). There are no private ISPs because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

Academic freedom is generally respected. In April and May, students protested sporadically in protest of the nonpayment of their academic scholarships (see Section 2.b.). Ultimately the Government paid university students their scholarships; however, at year's end, scholarships for high school students had not been paid. Due to financial problems, the university did not function during the academic year; however, a normal schedule was planned for 2001.

b. Freedom of Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government retains the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) is not provided. Political parties legally are permitted to hold demonstrations, and there were no reports of political parties being denied permission for demonstrations during the year.

Students protested sporadically in April and May in protest of the nonpayment of their academic scholarships and the prospect of fees for tuition and examinations. On several occasions, police used tear gas to disperse protesting students after they started throwing rocks and burning tires.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting by Islamic fundamentalist groups in November, the Government banned six fundamentalist-oriented organizations. There are 24 political parties.

c. Freedom of Religion.—The Constitution provides for "the right of the free development of each individual in their...spiritual, cultural, and religious dimensions," and the Government supports the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

Religious organizations must register with the Interior Ministry. This registration is a formality, and there were no reports that it ever has been denied. The State must authorize construction of any place of worship. Foreign missionaries work freely, but their organizations must be registered officially as associations.

In April 1999, the Assemblies of God Church in Niamey was notified by the mayor's office that it had to close until the "new order" was established, presumably until a democratically elected government was in place. The church had been in its location since 1996 and had an ongoing dispute with one of its neighbors, another Christian group, which had been trying actively to have the church closed since its establishment. The authorities ordered the church to close; however, this order was not enforced, and the church remained open during the year and functioned without interference (see Section 5).

In reaction to rioting by Islamic fundamentalist groups in November, the Government banned six fundamentalist-oriented organizations (see Section 5). The Government, supported by local human rights NGO's, sought to restore order and discourage further violence. In November the country's most important human rights NGO, the Association Nigerien de Defense de Droit de L'Homme, strongly criticized religious intolerance and violence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights. Ministers of the former government no longer are prohibited from leaving the country pending inquiries into their financial affairs. Security forces at checkpoints monitor the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demand payments or bribes. Attacks by bandits on major routes to the north have declined considerably. Among the Hausa and Peul

in the east, some women are cloistered and may leave their homes only if escorted by a man and usually only after dark (see Section 5).

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government offers first asylum, and to date it has offered asylum to several thousand persons. A few Chadian refugee families remain in the country.

There were no reports of the forced repatriation of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999 coup effectively disenfranchised citizens in previous years. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly. Tandja was inaugurated on December 22, 1999.

Pursuant to the July 1999 Constitution, which immediately entered into force after it was approved by 90 percent of the 31 percent that voted in the constitutional referendum, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In January Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a political system with checks and balances, a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

The Constitution granted a general amnesty to the perpetrators of the 1996 and 1999 coups; the amnesty was approved during the first session of the National Assembly, which met in January. The Constitution also allowed governmental authorities to remain in place until new elections were held.

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchises many women. This practice was used widely in the 1999 presidential and National Assembly elections.

Women are underrepresented in government and politics. Only 1 woman won a seat in the 83-seat National Assembly; there are 2 female ministers in the Government. The National Assembly passed a law in May mandating that women would receive 25 percent of government positions, but at year's end, women did not fill that percentage of government positions.

The Government supported greater minority representation in the National Assembly, but no seats in the National Assembly are reserved for ethnic minorities. Although there are some questions about President Tandja's ethnicity, he is reportedly of mixed ethnicity (half Peul and half Kanouri). He is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up about 56 percent and 22 percent, respectively, of the country's population (see Section 5). All major ethnic groups are represented in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations normally operate without government hindrance, and they publish findings and conclusions that often are highly critical of the Government in their own publications and in the small independent press. Notable among the associations are the Nigerian Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerian League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerian Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the

Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There are several other women's rights groups. The International Committee of the Red Cross is active in the country. During the year, the Government created, but did not fund, the National Commission on Human Rights and Fundamental Liberties with a mandate to include communication, advocacy, and investigation of human rights abuses. Nevertheless, the organization functioned during the year; it published in October a credible report on the Djibrilla kidnapping case (see Sections 1.c. and 1.d.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, and Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there are instances of discrimination against women, children, ethnic minorities, and disabled persons, including, but not limited to, limited economic and political opportunities.

Women.—Domestic violence against women is widespread, although firm statistics are lacking. Wife beating is reportedly common, even in upper social classes. Families often intervene to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations report that prostitution is often the only economic alternative for a woman who wants to leave her husband.

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men results in discrimination in education, employment, and property rights. Such practices are worse in rural areas, where women do much of the subsistence farming as well as child-rearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remain underrepresented in these areas.

Women's inferior legal status is evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, are not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women are cloistered and may leave their homes only if escorted by a male and usually only after dark. In 1999 the Government ratified the Convention for the Elimination of All Forms of Discrimination Against Women; in August the Ministry of Justice formed a committee of legal scholars began reviewing appropriate law. Islamic groups criticized the ratification and complained that they were not consulted beforehand. Women's groups have so far been silent on the ratification, allegedly due to fear of reprisals.

National service is mandatory for all young women who have completed university studies or professional training. National service lasts from 18 months to 2 years, and women can serve as teachers, health service workers, or technical specialists; however, military service is not an option.

Children.—Although the Constitution provides that the Government promote children's welfare, financial resources are extremely limited. The minimum period of compulsory education is 6 years; however, only about 32 percent of children of primary school age attend school, and about 60 percent of those who finish primary schools are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in a female literacy rate of 7 percent, compared with 18 percent for males.

Some ethnic groups allow families to enter into marriage agreements on the basis of which young girls from rural areas are sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. In August the Minister of Justice formed a commission to examine the problem of child brides; at year's end, the commission's work was ongoing.

There are credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. Child prostitution is not specifically criminalized, and there is no precise age of consent; however, the law condemns "indecent" acts towards minors, but it is left to a judge to determine what constitutes an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" are punishable by 3 to 5 years in prison.

Female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of Diffa. FGM is not illegal, but the Government is engaged in an effort to eliminate the practice. A 1998 study by CARE International indicated that 5 percent of women between

15 and 49 years of age had undergone FGM; however, a June 1999 symposium cited a World Health Organization global study of 20 percent; statistics regarding this practice are not considered to be fully reliable. Clitoridectomy is the most common form of FGM. In October seven FGM practitioners turned in their knives at a public ceremony attended by the Justice Minister and pledged to discontinue performing FGM. The Government worked closely with a local NGO, the U.N. Children's Fund, and other donors to develop and distribute educational materials at government clinics and maternal health centers.

People with Disabilities.—The Constitution mandates that the State provide for the disabled; however, the Government has yet to implement regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there is little. Societal discrimination against persons with disabilities exists.

Religious Minorities.—There are generally amicable relations between the various religious communities, but there have been instances when members of the majority religion (Islam) have not been tolerant of the rights of members of minority religions to practice their faith. In November several hundred Muslims rioted in the provincial capital of Maradi, burned a Protestant church and a nearby seminary facility belonging to the Abundant Life Church, and looted houses and an office at a compound of a foreign missionary organization. At year's end, the leaders of the riots were in prison awaiting legal action (see Section 2.c.).

In 1999 members of the Southern Baptist mission in Say received threats of physical harm from members of a local Islamic association unless they left the city within a week. The missionaries were threatened periodically since late 1998 when they announced their intention to build a church in Say, which is considered an Islamic holy city. Following these threats, the missionaries left Say in late 1999 and moved permanently to another location in the country (see Section 2.c.), where they operated without incident. However, some local Christians remain in Say. On May 14, the same members of the local Islamic community in Say threatened to burn the meeting place of the local Christians who remained. Leaders of the same organization also threatened to beat or have arrested a local Christian man in the village of Ouro Sidi because he continued to work with the Southern Baptists; however, there were no reports that such threats were carried out.

National/Racial/Ethnic Minorities.—The Hausa and Djerma ethnic groups make up about 56 percent and 22 percent, respectively, of the country's population of some 11 million. These two groups also dominate government and business. Tandja Mamadou is the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris have few representatives in the Government, and many of these ethnic groups assert that the Hausa and Djerma groups discriminate against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. It supported the 1995 peace accord calling for special development efforts in the north where the Tuareg population is dominant. However, nomadic people, such as Tuaregs and many Peul, continued to have less access to government services, and the temporary suspension of foreign assistance in 1999 limited the Government's ability to fulfill its commitments to former rebel areas. During the year, foreign assistance resumed, and the region is receiving assistance again.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force is employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most are government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerian Teachers (SNEN) profess political autonomy, but they have informal ties to political parties. There is also a small breakaway union confederation and independent teachers' and magistrates' unions. The water and forest worker unions, shut by the Government in 1996 because of their "paramilitary nature" resumed operation; however, the police union remains suspended. The National Trade Union of Customs Officials of Niger (SNAD), dissolved by the Government in 1997, was authorized in April to resume operations.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that: labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The

latter condition already prevailed in the private sector. The International Labor Organization (ILO) has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

There were a number of strikes during the year. There were repeated work stoppages by judiciary, communications, health care, and education workers due to government inability to pay workers' salaries. In March Finance Ministry employees went on strike without providing legal notice to demand bonuses; they cancelled a subsequent strike notice when threatened with punitive action by the Government.

On October 16, teachers went on strike for 4 weeks. On November 1, the judge ordered the teachers to stop their "illegal and savage" strike and return to work. SNEN issued a strike notification that they believed complied with the law and continued the strike with marches scheduled for the week of November 6. The teachers ended their strike on November 6 and resumed normal work; they were promised 1 month of the 12 months of pay owed to them, to be paid early in 2001.

The USTN is a member of the Organization of African Trade Union Unity and abides by that organization's policy of having no formal affiliations outside the African continent; however, it receives assistance from some international unions. Individual unions such as the teachers union are affiliated with international trade union secretariats.

b. The Right to Bargain Collectively.—In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also exists in the public sector. The USTN represents civil servants in bargaining with the Government. Agreements between labor and management apply uniformly to all employees.

The Labor Code is based on ILO principles, and it prohibits antiunion discrimination by employers; labor unions reported no such discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, there were a few reports that a traditional form of slavery still is practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions. Persons are born into a traditionally subordinate caste and are expected to work without pay for those above them in the traditional social structure. None of these individuals appear to have been forced into servitude. Individuals can change their situations and are not pursued if they leave their positions; however, most do not and accept their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

In November 1999, a traditional chief was arrested based on charges that he practiced slavery. The chief was tried and convicted on the charges, served a sentence of several months, and was released during the year. The code does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits child labor in nonindustrialized enterprises under certain conditions. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age are limited to a maximum of 4° hours per day and certain types of employment so schooling may continue. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforce child labor laws. Minimum compulsory education is 6 years, but far fewer than half of school-age children complete 6 years of education.

Child labor is practically nonexistent in the formal (wage) sector, and there are no known instances of the use of child labor in factories; however, children work in the unregulated agricultural, commercial, and artisan sectors, and some, especially foreign youths, are hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly work with their families from a very early age—helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children are kept out of school to guide a blind relative on begging rounds. Others sometimes are employed by marabouts (Koranic teachers) to beg in the streets. There is no official recognition of this labor.

In June the National Assembly passed a law permitting the ratification of ILO Convention 182, which bans the worst forms of child labor; and the Government subsequently ratified the convention. The Ministry of Labor is responsible for imple-

menting the convention; however, at year's end no further specific action had been taken.

Forced or bonded labor by children is not prohibited specifically; however, there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector. The lowest minimum wage is \$33 (24,565 CFA) per month. Additional salary is granted for each family member and for such working conditions as night shifts and required travel. Minimum wages are not sufficient to provide a decent standard of living for workers and their families. Government salaries are substantially in arrears. Most households have multiple earners (largely in informal commerce) and rely on the extended family for support.

The legal workweek is 40 hours with a minimum of one 24-hour rest period; however, for certain occupations the Ministry of Labor authorizes longer workweeks of up to 72 hours. There were no reports of violations.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focus on safety violations only in the most dangerous industries: mining; building; and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers are in many cases not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; while in general there were no reports that persons were trafficked, to, from, through, or within the country, there was anecdotal evidence that organized rings may victimize young coastal girls who come to work as household helpers.

In August the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts. At year's end, the study was ongoing; no statistics were available regarding the extent of the problem.

NIGERIA

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. On May 29, 1999 President Olusegun Obasanjo of the Peoples Democratic Party was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties, but most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. On May 5, 1999, the Abubakar Government signed into law a new Constitution based largely on the suspended 1979 Constitution; the new Constitution entered into effect on May 29, 1999. The Constitution provides for an independent judiciary; however, in practice the judicial branch remains susceptible to executive and legislative branch pressure, is influenced by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). The SSS's profile continued to decline under the Obasanjo regime. Until the advent of the civilian administration in May 1999, special paramilitary anticrime squads called "Rapid Response Teams" operated in every state. Under Obasanjo the military personnel dispatched to these units returned to their barracks, but the units remained intact in most states, staffed by regular policemen and with a reduced role and a less menacing presence. The Obasanjo Government lessened its reliance on the army to quell internal disorder and the degree of civilian control over the Rapid Response Teams and the national police force improved during the course of the year. Despite these new controls, members of the security forces, including the police, anticrime squads, and the armed forces committed numerous, serious human rights abuses.

The economy has declined for much of the last three decades. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. Agriculture accounted for less than 40 percent of gross domestic product but employed more than 65 percent of the work force. The agriculture and manufacturing sectors deteriorated considerably during the oil boom decades. The collapse of market agriculture contributed significantly to the country's urbanization and increased unemployment. Although the great bulk of economic activity is outside the formal sector, recorded gross domestic product per capita was \$250. Much of the na-

tion's wealth continued to be concentrated in the hands of a tiny elite mostly through corruption and nontransparent government contracting practices. During the year, petroleum accounted for over 98 percent of the country's export revenues, most of the government's revenues, and almost all foreign investment. During the year the economy was static, with growth still impeded by grossly inadequate infrastructure, endemic corruption, and general economic mismanagement. The country's ports, roads, water, and power infrastructure are collapsing. Chronic fuel shortages which afflicted the country for several years continued to be a problem. Food production has not kept pace with population growth. An estimated two-thirds of the country's more than 120 million people live in poverty and are subject to malnutrition and disease. Since the end of military rule in 1999, the Government has made progress in liberalizing the exchange rate regime, reducing controls on the private sector, and increasing expenditures for key social sectors.

The Government's human rights record was poor; although there were some improvements in several areas during the year, serious problems remain. The national police, army, and security forces continued to commit extrajudicial killings and used excessive force to quell civil unrest and ethnic violence, although they did so less frequently than under previous military governments. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government took steps to curb torture and beating of detainees and prisoners, including the dismissal and arrest of senior officials known for such practices. Shari'a courts sentenced persons to harsh punishments including caning and amputation. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. At different times in the year, the Government released several hundred prisoners in an attempt to ease prison congestion. In May 1999, the Government repealed the State Security (Detention of Persons) Decree of 1984 (Decree 2), which allowed prolonged arbitrary detention without charge; however, police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system was incapable of providing citizens with the right to a speedy, fair trial. The Government continued to infringe on citizens' privacy rights; however, there were no reports of members of the armed forces looting property, destroying buildings, or driving persons away from their homes. The Government generally respected freedom of speech and of the press; however, there were some exceptions. Security force beatings of journalists, government seizures of newspaper print runs, and harassment of newspaper printers, advertisers, and distributors continued to decline. The Government continued to relax its restrictions on the rights of freedom of association and assembly. The Government occasionally restricted freedom of movement. The Government restricts freedom of religion in certain respects, and religious freedom deteriorated during the year due to the expansion of Shari'a law in several northern states. In June 1999, the Government established a governmental panel, the Human Rights Violations Investigation Panel (HRVIP), to review cases of human rights violations since 1966; in October the panel began public hearings.

Domestic violence against women remained widespread and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread and interethnic, religious, and regional tensions increased significantly. Thousands of persons were killed in various local ethnic and religious conflicts throughout the country. In February and May rioting between Muslim and Christian groups over the proposed expansion of Shari'a law resulted in the deaths of more than 1,500 persons. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. The police often could not protect citizens from interethnic, interreligious, communal, and criminal violence. The Government took steps to improve worker rights; however, some restrictions continued. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of forced prostitution and forced labor is a problem and collusion of government officials in trafficking was alleged. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—National police, army, and security forces committed extrajudicial killings and used excessive force to quell civil unrest under the Obasanjo Government, although they did so less frequently than under previous military regimes. The Government largely ceased using lethal force to repress nonviolent, purely political activities; however, lethal force was used when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals. The state anticrime task forces remained the most egregious human rights offenders. Neither the task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of individuals in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Since taking office, President Obasanjo largely resisted pressure to call in military troops to quell domestic unrest, which reduced the risk that the armed forces would overreact or harass civilians. Instead, Obasanjo preferred to let the police deal with clashes between rival ethnic groups and only sent in military reinforcements when the police were unable to restore order; however, the President threatened to use military troops in various states to reinforce the police. In February and May, the military was deployed in Kaduna state to stem ethnic violence that arose following the proposed introduction of Shari'a law. Multinational oil companies and Nigerian oil producing companies subcontract police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region.

On May 5, a member of Lagos deputy governor's security detail allegedly killed a young woman when she obstructed the security detail as it was trying to clear traffic for a motorcade. Reports vary as to whether she was in a car or was a pedestrian. The security officer was charged with murder by a magistrate court. At year's end, the case had not been transferred to a court with jurisdiction over murder cases and a trial date had not been set.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas regions of Lagos, Kaduna and Abia states. Confrontations between increasingly militant "youths" (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year. Reportedly 28 Delta youths were killed in such conflicts over protests or suspected vandalization near oil flow stations.

The use of excessive force to suppress protests was not confined to conflicts pertaining to oil company activities. For example, in March and April police conducted operations in Ogoniland, Rivers State, home of the Movement for the Survival of the Ogoni People (MOSOP), which resulted in the killing of several civilians, the destruction of a number of buildings, and the arrest of several Ogoni activists, including Ledum Mitee, the MOSOP leader. In June police killed two persons in Abuja and injured hundreds of persons who were involved in a 5-day petrol increase strike (see Section 6.a.). In July police killed one person while dispersing a strike by state workers outside of the Lagos State secretariat complex (see Section 6.a.). In July police in Lagos used tear gas to disperse a demonstration by striking public sector workers. One person died in the violence (see Section 6.a.). In August the police protecting President Obasanjo's motorcade killed a Nnamdi Azikiwe University student who was protesting the removal of Senate President Chuba Okadigbo (see Sections 2.a. and Section 3).

On many occasions during the year the Government authorized the use of deadly force to combat crime, and police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. For example, police used deadly force against suspected vandals near oil pipelines in the Niger Delta Region. In June the police killed at least five persons for suspected vandalization. Police were instructed by the Federal Government to use deadly force in conflicts in Lagos State with the Oodua Peoples Congress (OPC) vigilante group. By August police in Lagos reported killing 509 armed robbers and injuring 113, during the course of making 3,166 arrests; not all of those killed were OPC members. No legal action was taken against these security officials by year's end.

Violence and lethal force at police roadblocks and checkpoints was reduced greatly during part of the year; however, some instances of such violence continued. Obasanjo's order in 1999 to reduce the number of checkpoints and roadblocks also applied to the National Drug Law Enforcement Agency (NDLEA), and resulted in a decrease in the use of violence and lethal force at NDLEA checkpoints and roadblocks. By year's end, the number of roadblocks and checkpoints at major intersec-

tions increased again as authorities sought to prevent criminal activity from reaching major cities (see Section 1.f.); however, the violence associated with roadblocks, as reported in the previous year, did not increase.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. The Civil Liberties Organization (CLO) (a credible human rights organization) filed a petition with the National Human Rights Commission and the Justice Pout Panel concerning the death of Godfrey Opuoru while in detention in 1999. Sunday Aghedo, the Lagos state police commissioner under whose command the death occurred was replaced by Mike Okiro on August 2, 1999. The case was referred to a magistrate rather than the High Court, and the case was pending at year's end.

In Anambra State, the state government supported the extrajudicial activities of the vigilante group known as the Bakassi Boys. Like most vigilante groups, the Bakassi Boys kill suspected criminals rather than turn them over to police; however, in some cases, the Bakassi Boys have chosen to cut off the hands or arms of perpetrators, rather than killing them outright. They also were accused of harassing and threatening political opponents of the state government.

Harsh and life threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.).

In October the HRVIP began hearings into 150 cases of killings by members of the security forces (see Section 4).

The Government did not address the November 1999 leveling of Odi in Bayelsa State by federal troops. The Government did not hold accountable any of the soldiers involved in the destruction of the town and the killing of several hundred inhabitants; there were newspaper reports that some of the soldiers were promoted. Trials against Keniwer Imo Neweigha, Monday Diongoli, Timi Epengele, Onoriode David, Ebi Clifford Saibu, Derioteidou Aganaba, Timinepre Keren, Joshua Godspower, John Zitua, and Benson Odiwei for the alleged murders of 12 policemen and 6 civilians that sparked the Odi incident, were ongoing at year's end. When the prosecution could not produce Odiwei for trial in October, the case was postponed to a later date.

The prosecution of Hamza al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, Mohammed Aminu and Sergeant Rogers Mshiella for the 1996 murder of Kudirat Abiola, a prominent prodemocracy activist and the wife of Moshood Abiola, was adjourned repeatedly during the year; defense lawyers for each individual had filed numerous motions for adjournment in the Lagos High Court. The Government continued to investigate and detain former Abacha government officials and family members, including former Minister of the Interior Capital Territory Jerry Useni, former National Security Advisor Ismaila Gwarzo, Abacha's wife Maryam, Abacha's son Mohammed, and Colonel Ibrahim Yakassai, for the murder and attempted murders of other prominent prodemocracy activists in Lagos from 1996 to 1998. All of the cases were ongoing at year's end.

In 1999 the trial against former Army Chief of Staff Ishaya Bamaïyi for the attempted murder in 1996 of Guardian newspaper publisher Alex Ibru began. Hamza al-Mustapha, former Lagos Police Commissioner James Danbaba, and Colonel Yakubu, also were charged in the attempt on Ibru but their trials were pending at year's end. All of the defendants were being held at Kiri Kiri maximum-security prison at year's end.

Organized vigilante groups in large cities, particularly Lagos, Kano, and Onitsha, committed numerous killings of suspected criminals. These vigilante groups engage in lengthy and wellorganized attempts to apprehend criminals after the commission of the alleged offenses. In Lagos State, the vigilante group known as the OPC clashed repeatedly with the police over their protection of Yoruba neighborhoods and over political issues. In October an OPC demonstration against Libya's expulsion of several Nigerian citizens resulted in a number of injuries and the death of a guard at a foreign embassy. On October 14, clashes broke out between members of the OPC and police in Ilorin. The violence spread to Lagos over the following 2 days; however, the fighting in Lagos was between members of the mainly Yoruba OPC and members of the Hausa ethnic group and originated in a dispute over the capture and killing of alleged robbers of the Hausa ethnic group by members of the OPC. The rioting resulted in the deaths of over 100 persons, the destruction of buildings in Lagos and the outlawing of the OPC by the Government. In some southern states, such as Anambra, vigilante groups like the Bakassi Boys are supported and paid by the state government.

There also were numerous reports of street mobs apprehending and killing suspected criminals. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

During the year, there was an upsurge in lethal interethnic and intraethnic violence throughout the country (see Section 5). In February and May, rioting between Muslim and Christian groups over the proposed extension of Shari'a in Kaduna caused the deaths of more than 1,500 persons and massive property destruction (see Section 2.c.). Over 500 persons, predominantly of the Hausas ethnic group, were killed in reprisal violence that took place in Abia, Imo, and other eastern states. Religious and ethnic violence resulted in deaths in other communities as well (see Section 2.c.). For example, one person was killed and one Christian church was destroyed in Sokoto when "area boys" (neighborhood criminals) took advantage of the absence of police—who were managing a pro-Shari'a student demonstration elsewhere in the city—to attack and loot the church and its rectory in the predominantly Christian part of town. In Damboa, Borno, one person was killed and five churches were burned in a dispute concerning the location of a Christian church in a predominantly Muslim neighborhood. In May the discovery of a corpse sparked riots by Christians in the Narayi neighborhood in Kaduna; at least 500 persons were killed. A National Assembly member, Ibrahim Abdullahi, was burned alive in his car during the rioting.

Clashes between the Ife and the Modakeke ethnic groups caused the deaths of as many as 50 persons and much property destruction in Osun State (see Section 5).

In the east, over 150 persons were killed in border disputes between Cross River and Akwa Ibom states (see Section 5).

A clash between rival groups for the throne of the Owo in Ondo state cost the lives of at least five persons and the destruction of a number of homes and businesses (see Section 5).

b. Disappearance.—There were no confirmed reports of politically motivated disappearances by government security forces during the past year; however, the OPC charged that the police were responsible for the disappearance of at least two of its members in January (see Section 1.a.).

Members of minority ethnic groups in the oil-producing areas kidnaped foreign and local oil company employees throughout the year to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. Minority youth groups took as many as 250 persons hostage during the year. In all instances the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions.

In addition to the political rationale for kidnapping, there were numerous instances of strictly criminal kidnapping, in which the perpetrators' sole objective was ransom for the release of the victims. Some kidnappings appear to have been part of long-standing ethnic disputes. For example, in July a group of youths boarded a boat of traders from Okuagbe in Delta State and took all of the passengers captive. The attack was believed to be part of a dispute between the Ijaw and Urhobo ethnic groups. During the year, kidnappings by criminals to extort money were more numerous than those perpetrated for "political" reasons. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so that kidnappings were routinely left uninvestigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and mistreatment of prisoners, and the law provides for punishment for such abuses; however, although there were no reports of torture of political dissidents during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. Detainees often were kept incommunicado for long periods of time. The 1960 Evidence Act prohibits the introduction into trials of evidence obtained through torture.

The extension of Shari'a law in many northern states generated a public debate on whether Shari'a punishments such as amputation for theft, caning for fornication and public drunkenness constituted "torture or" inhuman or degrading treatment" as stipulated in the Constitution. Caning as a punishment is available under Nigerian common law, the Northern Nigerian Penal Code, and Shari'a law and has not been successfully challenged in the court system as a violation of the cruel and inhuman punishment clause of the 1999 Constitution. In March in Zamfara state, Malam Buba Bello Jangebi's hand was amputated after he was convicted of cattle rustling in a Shari'a court. Jangebi chose not to appeal his sentence. In September a Sokoto Shari'a court handed down a sentence of amputation for a thief; the sentence had not been carried out by year's end. The first sentence handed down by Zamfara's Shari'a courts was for caning for a pregnant unwed mother and her boy-

friend; both had confessed to fornication. In September Bariya Ibrahim Magazu, a 17-year old-girl, was sentenced to 100 lashes for engaging in fornication and 80 additional lashes for naming in court but not being able to prove who the possible father of the unborn child was. Magazu's sentence was suspended until 3 months after the birth of her child and at year's end had not been carried out. In August two motorcycle taxi drivers were caned for carrying Muslim female passengers in violation of the law in Zamfara State (see Section 5). A non-Muslim was pulled from a motorcycle in Zamfara State for breaking the new rule requiring separate transportation for women.

In the numerous ethnic clashes that occurred throughout the year (see Sections 1.a. and 3.c), hundreds of persons were beaten and injured severely. Police and security forces failed to respond to many criminal acts in a timely manner and were unable to protect Christians and Muslims caught in sectarian unrest in Kaduna, Kano, Lagos, and Abia states. For example, during the Kaduna riots of late February (see Section 2.c.), Kaduna residents at the Baptist Theological Seminary called upon police for protection from the roaming mobs that were firebombing their buildings. The police told the seminarians that they would have to protect themselves because they were too busy to respond to further calls; five persons were killed in the seminary's compound during the 2 days of rioting that followed. Mosques and Muslim adherents also were attacked during the rioting but were denied police protection despite pleas for assistance to the authorities. Order was restored only after the military was brought in to quell the disturbances.

No action was taken against army personnel responsible for rapes and other abuses in Delta, Bayelsa and Rivers states as reported in 1999.

After the November 1999 release of Jerry Needam, Editor of the Ogoni Star newspaper, the Government representatives failed to appear in court for any hearings relating to his case. Police reportedly beat Needam, forced him to sign a confession, and did not allow him access to medical treatment during his detention in 1999.

In June police killed two persons and injured hundreds of others during a 5-day petrol strike (see Section 1.a.).

In August police reported killing 509 persons and injuring 113 in pursuit of robbers in Lagos state (see Section 1.a.).

On a number of occasions security forces beat and detained journalists (see Section 2.a.).

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Disease was pervasive in the

ing trial and that at least 2 prisons, in Gashua and Potiskum, were at full capacity. Local officials blamed the lack of functioning police transport vehicles for the overcrowding since the state had no other means to transport prisoners to court securely.

Several times during the year, authorities attempted to ease congestion in some smaller prisons. For example, in honor of the Eid-El-Kabir holiday in March, the Governor of Kano State released 159 prisoners, 52 of whom were pretrial detainees held without charge. Those released also were provided with travel funds to return to their homes.

In September President Obasanjo directed the Ministry of Justice to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation.

Throughout the year, the Government allowed both international and domestic NGO's occasional access to prisons; however, it did not allow them continuous access to all prisons. Prisoners Rehabilitation and Welfare Action and the International Committee of the Red Cross (ICRC) have regular access to the prisons and publish newsletters on their work. The Government admits that there are problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. However, groups such as Rotary International report difficulties at the local level in gaining access to prisons and jails to do rehabilitation programs.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government rarely observed these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

Police and security forces were empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution (based on those of the 1979 Constitution), police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. There was no functioning system of bail, so many suspects were held in investigative detention. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attend court proceedings, an additional payment is demanded by police.

The Committee for the Defense of Human Rights reports that 302 OPC members were arrested in January following clashes with the police in Lagos. Of those detainees, 95 were released during the year. The remaining detainees were not been able to obtain legal representation and either could not make bail or were not eligible for bail due to the charges brought against them.

In March and April, police operations on Ogoniland, Rivers State resulted in the killing of several civilians, the destruction of buildings, and the arrest of several Ogoni activists (see Section 1.a.).

In May, alleged perpetrators of rioting between Christians and Muslims in Kaduna state were detained, but eventually were released without standing trial (see Section 5).

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected (see Section 1.c.). Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). Estimates of the percentage of pretrial detainees held without charge in the prison population range from 33 to 65 percent of the estimated 44-47,000 detainees (see Section 1.c.). Many prisons held 200 to 300 percent more persons than they were designed to hold, and many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held. Police cited their inability to securely transport detainees to trial on their scheduled trial dates as one reason why so many of the detainees were denied a trial.

Persons who happen to be in the vicinity of a crime when it is committed normally are held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently are asked to return repeatedly for further questioning. Police and members of the NDLEA continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge

to induce suspects to surrender to arrest, although this was done much less often than under the Abacha regime (see Section 1.f.). There were reports that Imo state prison officials work with some pretrial detainees to blackmail those who knowingly or unknowingly purchased stolen goods from the detainees. These persons, usually prominent individuals residing in larger cities such as Abuja and Lagos, are remanded to Imo state custody and told that they will be prosecuted also for the transfer of stolen goods; however, if they pay a bribe, they are released as is the pretrial detainee who colluded with the prison officials.

On a number of occasions security forces beat and detained journalists (see Section 2.a.).

Students in general are no longer singled out for arrest because of political activities; however, on October 1, police arrested two student leaders, Philip Suaib and Olusegun Oluwale, of the National Association of Nigerian Students (NANS) for disrupting Independence Day activities. The students claim that they were only passing out pamphlets critical of the Government's education policy. The two students were released from custody the following day without formal charge. Many students have been detained for allegedly taking part in cult or criminal activities on university campuses.

On March 23, police in Gombe arrested 19 reportedly peaceful persons for unlawful assembly (see Section 2.c.).

There were unconfirmed reports that members of the armed forces beat and raped members of ethnic minorities.

No information on political detainees emerged during the year.

In July 1999 Abacha's presidential security officer who is widely believed to have orchestrated killings, torture, and hundreds of extrajudicial detentions brought suit against the Federal Government because he was detained without being charged with a crime (see Section 1.a.). The suit later was dropped.

Samaila Gwarzo, the national security advisor to Abacha, was placed under house arrest for 18 months without any charges being brought.

The 1999 Constitution prohibits the expulsion of citizens, and the Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive and legislative branch pressure, was influenced by political leaders at both the state and federal levels, and suffered from corruption and inefficiency. For example, all suspects arrested following the February violence in Kaduna were released allegedly on orders from the Government (see Section 2.c.). Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes.

Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the federal capital territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, and distance to alternative venues encouraged many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts have begun to function in nine northern states and have carried out at least one sentence of amputation (see Section 1.c.). The proposed expansion of Shari'a law in Kaduna and other states led to widespread rioting and violence.

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier

defendants employ numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented trials from starting.

Some courts are understaffed. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation to perform their duties, again due in no small part to their inadequate compensation. For example, a Grand Khadi (judge) in the Sokoto state Shari'a court system was asked to resign because he had contracted to obtain new law books, which duplicated books already donated and in the court's possession, allegedly for personal gain.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims is usually accorded less weight in Shari'a courts (see Section 5).

There were no reports of political prisoners.

The Movement for the Survival of the Ogoni People (MOSOP) and the Saro-Wiwa family continued to petition President Obasanjo, the Minister of Justice, and the Oputa Human Rights panel to reverse the verdict of the Auta Tribunal that convicted Saro-Wiwa and the Ogoni-9 in October 1995. At year's end, the Government had not responded to the 2 year old appeal to clear the names of Saro-wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits arbitrary interference with privacy, family, home, or correspondence; however, although government authorities generally respect these prohibitions, authorities continued at times to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less frequently than under previous military regimes. There were calls by human rights groups for the police to end the practice.

Unlike in previous years, there were no reports of members of the armed forces looting property, destroying buildings, and driving persons away from their homes.

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara and Sokoto states, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks), and in health facilities, the segregation by gender of school children, and bans on the selling of alcohol (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas.

Although there is a large and vibrant private domestic press that is frequently critical of the Government, the Government also owns or controls many publications.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Press Council immediately was criticized by the media as "an undisguised instrument of censorship and an unacceptable interference with the freedom of the press." Decree 60 attempted to put control of the practice of journalism into the hands of a body of journalists who were appointed by and received payment from the Government. In 1999 the NUJ, the professional association of all Nigerian journalists, and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council. The NPAN called the decree unconstitutional and a violation of press freedom, because there were already enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required that publications be registered by the council annually through a system entitled "Documentation of Newspapers." In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the Council. The penalties for practicing without meeting the Council's standards were a fine of \$2,500 (250,000 naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journal-

ists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offense that carried a fine of \$1,000 (100,000 naira). The Nigerian Press Council continued after Obasanjo's inauguration, and in 1999 former Minister of Information Dapo Sarumi expressed the view of the new civilian Government that the council would continue to operate, and said, "It is in line with journalists' demands." The council had not yet begun operating at year's end; however, it remained on the books in principle, and many journalists believe that the existence of such a decree is a significant limitation on freedom of the press.

During the year there were a few cases of threats against and attacks on the press. In January police beat, arrested and detained Igha Oghole, a journalist with Radio Benue, Makurdi, after he insisted on conducting a scheduled interview with the police commissioner rather than interviewing his subordinate.

In March 50 armed policemen entered the International Press Center (IPC) in Ogba, Lagos and arrested 4 journalists who they held for 5 hours and then released without charge. The police subsequently claimed that the attack was not directed at journalists but was to find members of a militant faction of the OPC, who had engaged in battles with the police (see Sections 1.a., 1.c. and 1.d.). The police claimed that they were acting on information that militant members of the OPC were planning to address a press conference at the center.

In March members of the NPF seized most of the print run of the March 4 edition of the Kaduna-based newspaper *Today* as well as its Hausa language affiliate newspaper, *Ayaku*, and sealed off their offices. The police justified their action on the grounds that the publications carried headlines that could have engendered violence in the Shari'a dispute (see Section 2.c.).

On April 4, an armed detachment of SSS sealed off for several hours the premises of Leaders and Company, the publishers of *This Day* newspaper in order to search the grounds for what the Government described as "subversive and incriminating documents" and to arrest the editor-in-chief, Nduka Obaigbena. Obaigbena was not on the premises at the time and was not arrested. The charges against him were dropped 1 week later, but Obaigbena was told to cease investigations of Obasanjo's national security adviser, Aliyu Gusau (see Section 1.d.). In August police and security agents again sealed off the premises of *This Day* newspaper and ordered the staff to leave the premises.

State governments also have threatened and detained journalists who have criticized their policies. According to the country's Media Rights Agenda, since May 1999 there were nine cases of arrests and detentions of journalists and vendors; state security personnel were the perpetrators in all of these incidents. In March Ebonyi state police detained two journalists with the *Ebonyi Times*, Emmanuel Okike-ogah and Ogbonaya Okorie, for publishing what the State Government described as "seditious articles in an unregistered newspaper." The articles claimed that the governor of Ebonyi State had bribed state legislators into approving a list of commissioners. Also in March, police in Aba, Abia state, arrested and detained Ademola Adegbamigbe of *The News* magazine, and a professional photographer who Adegbamigbe had hired to assist him, while covering the civil violence following the introduction of Shari'a law in the north (see Section 2.c.). On March 2 in Kaduna state, police raided the offices of the *Nigerian Tribune* in Ibadan after the publication of an article on Islamic law, and Zamfara state seized copies of the *Nigerian Tribune*, the *Guardian*, and *Vanguard* after they published articles critical on Shari'a law (see Section 2.c.).

In January Abuja FCT police accompanied Yusuf Mamman, an Alliance for Democracy (AD) faction leader, to the AD headquarters in Abuja to prevent a rival faction leader, Adamu Song, from holding a press conference. Police attempted to seize the videocamera of an Africa Independence Television cameraman and the digital camera of a *This Day* newspaperman. Mamman asked police to arrest Song for "invading" AD offices; however, they failed to do so following the press conference. Police routinely are involved in political disputes under the guise of breach of the peace or assault. Nothing was ever done about the potentially improper use of the police in this case.

There are two national, government-owned daily newspapers in English, the *New Nigerian* and the *Daily Times*. The *New Nigerian* publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be poorly produced, have limited circulation, and require large state subsidies to continue operating. Several private newspapers and magazines have begun publication since the inauguration of the civilian government. Five major daily newspapers, one newsmagazine, and several sensational evening newspapers and tabloid publications had begun publication at year's end.

Because newspapers and television are relatively expensive and literacy is not universal, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages. Fifty-one state radio stations broadcast in English and local languages. For many years, the Government prohibited nationwide private radio broadcasting, but the Abacha regime granted broadcasting rights to local and regional private radio stations in 1994. There were six private radio stations operating at the beginning of the year. Several of these stations continue to struggle with financial difficulties, including Raypower FM, which ceased operations in September. No new private radio licenses were issued during the year by the National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media. Ten applications pending from 1999 were still awaiting NBC approval at year's end.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The 1993 Press Law requires local television stations to limit programming from other countries to 40 percent. The 1993 Press Law also restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television. The Government did not restrict Internet access, although unreliable and costly digital telephone service limited access and hindered service providers. All Internet service providers were privately owned.

In October 1999, the NBC, in cooperation with the Information Ministry, revoked the licenses of 20 private radio and television broadcasters for nonpayment of license fees. The Director General of NBC cited Decree 38 of 1992, which mandates the commission to revoke a license where the prescribed fee was not paid on the due date. Several major domestic broadcasters as well as affiliates of international broadcasters such as Voice of America and the British Broadcasting Corporation were among those affected. They were reported to owe a total of \$745,000 (70 million naira). All 20 of the broadcasters paid the delinquent fees and continued broadcasting.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Journalists and editors of state media reportedly no longer fear suspension for their editorial decisions, although some self-censorship lingered. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state's accomplishments and to stress the extent to which their states are in political accord with the Government.

Since the May 1999 elections, foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

Throughout the Abacha regime there was no academic freedom for students or academic staff; however, under Obasanjo's government, concrete steps have been taken to address the problems in the education sector and to restore academic freedom. In May 1999, Obasanjo approved the establishment of four new private universities, but the quality of secondary education continued to deteriorate. However, student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continue to hamper educational progress. On several occasions during the year, protests by students resulted in harassment and arrest by police forces and in one incident, the killing of a student (see Sections 1.a. and 1.d.). For example, in October protests during the country's Independence Day celebrations resulted in the arrests of 2 students in Lagos (see Section 1.d.).

b. Freedom of Peaceful Assembly and Association.—The 1999 Constitution provides citizens with the right to assemble freely; and the Government generally respected this right, although some limits remained.

Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country. For example, the Kogi state government banned open air preaching and public pro-

cessions beginning on March 2, but it did so in consultation with a number of religious and traditional groups, and local governments. Also in March, the Kaduna state government banned processions, rallies, demonstrations, and meetings in public places in order to prevent repetition of the violence that followed the establishment of Shari'a law in February (see Sections 1.a. and 2.c.).

In late February, the Enugu police halted in mid-session a conference on the history of Biafra that was attended by many eastern-based ethnic groups, including those of Igbo, Ibibio, Oron, and Ikot Ebere ethnicity due to concerns that the conference could fuel to existing ethnic violence. On March 1, the Assistant Commissioner of Police, Francis Ihechere, was quoted in the *Guardian* newspaper as stating that the Government had prohibited gatherings of more than four persons. In March Gombe state announced that it had prosecuted and convicted 19 people for unlawful assembly during the Shari'a crisis. The police claimed that the assembly would lead to a breach of the peace and that they were protecting other citizen's constitutional rights to peace and security. The defendants were sentenced to either 6 months' imprisonment or a \$10 (1,000 naira) fine. On September 3, the Lagos police denied a permit to the Committee of Concerned Citizens (CCC), a southern-based interest group comprised primarily of Christian elder statesmen, who wished to hold a 2-day workshop on the adoption of Shari'a law. Police claimed that they knew of plans to disrupt the meeting and were denying the permit to protect the committee and prospective workshop attendees.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice; however, there were exceptions. In July Lagos state police used tear gas to disperse a demonstration by striking public sector workers. One person died from the violence (see Section 6.a.). On April 13, Lagos State police prevented approximately 1,000 members of the Movement for the Actualization of Sovereign State of Biafra from staging a rally and raising the Biafran flag.

c. Freedom of Religion

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in practice in certain respects. The status of respect for religious freedom deteriorated during the year due to the implementation of an expanded version of Shari'a law in several northern states, which challenged constitutional protections for religious freedom and sparked interreligious violence.

The Constitution prohibits state and local governments from adopting an official religion; however, it also provides that states may elect to use Islamic (Shari'a) customary law and courts. About half of the population is Muslim, about 40 percent Christian, and about 10 percent practice traditional indigenous religion or no religion. Since independence, the jurisdiction of Shari'a courts has been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims and non-Muslims who consent to the courts' jurisdiction. However, the Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters. Several Christians have alleged that, with the adoption of an expanded Shari'a law in several states and the continued use of state funds to fund the construction of mosques, teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj), Islam has been adopted as the *de facto* state religion of several northern states. However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general states with a clear Christian or Muslim majority explicitly favor the majority faith. The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end.

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship. Many states allow the teaching of Koranic or Biblical knowledge in primary and secondary schools; however, in almost all states with religious minorities, there are reports that students are forced to take classes that violate their religious principles. Islam is a mandatory part of the curriculum in public schools in Zamfara and other northern states, to the exclusion of Christianity. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. In practice the dominant religion of the state is taught in the school, and students cannot use these other mechanisms. There are

reports that Christianity is taught in the same manner in Enugu and Edo states, and that Muslim students cannot access Koranic teaching in the public schools.

The law prohibits religious discrimination; however, reports were common that government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts. Christians in the northern, predominantly Muslim part of the country accused local government officials of attempting to use zoning regulations to stop or slow the establishment of non-Muslim, usually Christian, churches. Typically, a small section of a city was unofficially segregated for non-Muslims to build their places of worship. In several cases, citizens in these enclaves reported that they were discriminated against by not receiving police protection or waste removal services.

Purdah continued in parts of the country leading to continued restrictions on the freedom of movement of women (see Section 5).

In October 1999, the governor of Zamfara state signed into law two bills aimed at instituting Islamic Shari'a law in his state. Implementation of the law began on January 22. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. Following Zamfara's lead, several northern states began to implement varying forms of expanded Shari'a; by year's end 9 states had adopted variations of Shari'a law " Sokoto, Niger, Kano, Kebbi, Jigawa, Yobe, Zamfara, Katsina, and Kaduna states. Previously, Shari'a law had been practiced in the north in the areas of personal law, only if both litigants agreed to settle their disputes in Shari'a courts. Elements of Shari'a also had been present in the northern penal code, which had been applicable in the north since independence.

As the result of nationwide violence in February and March related to the expansion of Shari'a laws (see Section 5), several northern state governments banned open air preaching and public religious processions. The Kogi state government enacted such a ban on March 1, and the Kaduna State government followed shortly thereafter, enacting a ban on all forms of "processions, rallies, demonstrations, and meetings in public places." On March 23, Gombe state officials arrested 19 reportedly peaceful persons for "unlawful assembly capable of causing a breach of peace in the state." Such bans were viewed as necessary public safety measures after the death of approximately 1,500 persons. However, large outdoor religious gatherings continued to be quite common, especially in the southern part of the country.

On February 29, in response to the nationwide violence (see Section 5), President Obasanjo convened a meeting of the Nigerian Council of State, a consultative body consisting of the President and Vice President, all past heads of state and past chief justices, all governors, the Attorney General, and the President of the Senate and Speaker of the House. The result of the meeting was an agreement that northern governors would halt initiatives to expand Shari'a laws and return to the northern Nigerian Penal Code; however, a few states continued to expand their Shari'a laws. Niger state declared that it would expand Shari'a laws on the same day as the Council of State meeting, and the amputation of the cow thief's right hand in Zamfara state occurred on March 23 (see Section 1.c.).

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara state, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks) and bans on the selling of alcohol. Niger State also enforced a ban on selling alcohol. However, the federal Government has disregarded the ban on alcohol sales in military installations. All Muslims were subjected to the new Shari'a provisions in the states that enacted them, which, according to many legal scholars, constitute an abridgement of their freedom of religion and conscience. The implementation of Shari'a law has been challenged constitutionally. For example, in May an international human rights nongovernmental organization (NGO), Huri-Laws, took the Zamfara state government to court, challenging the constitutionality of Zamfara's expanded Shari'a penal code. The case was ongoing at year's end. No other cases had reached the Supreme Court. In the meantime, Shari'a courts have begun to execute sentences of amputation, at least in Zamfara state (see Section 1.c.).

In September, Lagos police denied the CCC a permit to hold a workshop on the adoption of Shari'a law (see Section 2.b.).

Although distribution of religious publications remained generally unrestricted, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of religious (Christian) literature. The Right Reverend Samson Bala, First Bishop of Zamfara, Gusau diocese, said that the state radio station had "closed its doors to Christians." Commercials and paid advertisements containing Christian literature are not accepted, he said, and only Islamic religious programs are aired.

Following violence in relation to the expansion of Shari'a laws in Kaduna in February, several northern state governments banned any type of proselytizing, in spite of the fact that it is permitted by the Constitution. Missionaries reported that law enforcement officials harassed them when they proselytized outside of majority Christian neighborhoods. Proselytizing did not appear to be restricted in the southern part of the country.

The Federal Government continued to settle property claims by Muslim Brotherhood leader Ibrahim El-Zakzaky for compensation for his home and mosque, which were razed by law enforcement in 1997. All 96 of the Muslim Brotherhood followers jailed under the previous regime were released during the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution entitles citizens to move freely throughout the country and reside where they wish, and in general, the Government respected this right; however, police occasionally restricted this right by setting up roadblocks and checkpoints where security and law enforcement officials routinely engaged in extortion, violence, and excessive use of force (see Sections 1.a. and 1.c.). For example, the Governor of Niger State allegedly instructed state police on March 1 to install roadblocks to prevent southerners from returning to their homes. The southerners, particularly Igbo traders, were attempting to return home because they feared violent reprisals in response to the deaths of Hausas in Aba and Owerri (see Section 1.a.).

Clashes between the Ife and Modakeke ethnic groups resulted in a dusk-to-dawn curfew following the deaths of as many as 50 persons (see Sections 1.a. and 5). In June youths set up roadblocks outside of the Osun state town of Ife and killed passengers who were not members of the same ethnic group (see Section 1.a.).

The Constitution also prohibits the denial of exit or entry to any citizen, and the Government generally respected this law; however, the law also provides that women are required to obtain permission from a male family member before having an application for a passport processed. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country (see Section 5).

Prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha continued to return to the country as did many economic refugees. There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there have been sporadic reports that persons still were questioned upon entry or exit to the country at Murtala Muhammed international airport. These persons, all of whom were opponents of the Abacha regime, were identified in immigration computer systems as individuals to be questioned by immigration or security officers. For example, Dr. Olua Kamalu, deputy president of MOSOP, reported that the SSS seized his passport on July 25. Dr. Kamalu was planning a trip to Ghana to attend a visa interview at a foreign embassy.

During periods of civil unrest, numerous persons were displaced temporarily from their villages. Thousands of persons, both Christian and Muslim, were displaced internally following the Kaduna riots in February and in May. A large number of Muslim families left the city of Onitsha due to continued ethnic and religious tension in nearby Aba, Abia State. Hundreds of persons voluntarily left other states throughout the country in anticipation of violent reprisals following interfaith and interethnic clashes in Kaduna and Onitsha (see Section 2.c.). Typically, only the head of household returned to areas of unrest after authorities regained control. Most returnees remained apprehensive about continuing to work in these areas and returned only to finish business contracts or to sell their homes in order to arrange a more organized departure.

A few hundred residents of the Odi village, razed by soldiers in 1999, have returned to the area; however the federal Government has not provided them with assistance to reconstruct their village (see Section 1.a.).

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Lagos office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. The Eligibility Committee established under Decree 52 of 1989, which governs the granting of refugee status, asylum, and resettlement, reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At year's end, there were 6,933 recognized refugees: 13 from Angola; 23 from Benin; 4 from Cameroon; 1,703 from Sierra Leone; 3,194 from Chad; 74 from Sudan; 1,561 from Liberia; 69 from Cote d'Ivoire; and 292 from other countries. The Gov-

ernment also resettled in the country 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other countries.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 1998 and 1999 citizens had the opportunity to exercise their right to change their government. General Abdulsalami Abubakar oversaw a transition to civilian rule that included elections for local governments (in December 1998), state governors and assemblies (in January 1999), and national legislators and the president (in February 1999). Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race, which proceeded peacefully with reports of only a few violent incidents. The Independent National Electoral Commission (INEC) certified former President Olusegun Obasanjo's victory over Chief Olu Falae with a reported 62 percent of the votes.

Irregularities occurred at each stage of the electoral process, particularly the presidential nominating convention and election where, for example, large sums of money were offered by both political camps to delegates to vote against political opponents. During the presidential election, international observers and foreign diplomats witnessed serious irregularities in procedures. All three parties engaged in the local purchase of false ballots and fraudulent tally sheets so that there were vast discrepancies between what observers saw and inflated tallies in some areas. In addition there were administrative problems such as late delivery of voting materials at a large number of polling stations. Those areas with the worst problems were the southern tier of states in the Niger Delta region, several states in Igboland, and a handful of north central states. The production of "ghost votes" in these states amounted to as much as 70 or 80 percent of the total reported votes. Although all parties engaged in attempts to rig the vote, the PDP machine in the Delta and Igboland was responsible for the worst excesses. These votes may have added an estimated 15 percent to Obasanjo's total figure; however, observers believe that even if they were thrown out, he still would have maintained roughly a 15 percent lead over Falae's total. International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of most voters. Although Falae initially protested the election results, eventually he dropped his legal challenge. INEC issued a report on the conduct of the election in July 1999 that documented the fraud. Obasanjo, 109 senators, 360 members of the House of the National Assembly, and 36 governors and state assemblies assumed office on May 29, 1999. The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003, while local government elections are scheduled for 2002. INEC is working with several international electoral assistance organizations to help improve the process in 2003; however, no INEC officials have faced disciplinary action as result of their involvement in corrupt activities in the 1999 election.

The Constitution outlaws the seizure of the government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. In November 1999, Senate President Evan Enwerem was removed after another credentials scandal. His replacement, Chuba Okadigbo, was removed in August after an internal Senate investigation on contracting procedures resulted in his indictment. Several other public officials were subjected to close scrutiny by the press, public, and legislative investigators.

The political system remains in transition. The three branches of the new government acted independently during the Administration's first year in office. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took the screening of government ministers, ambassadorial appointments, budget review, and other executive initiatives seriously and amended the Government's budget request, anticorruption commission bill, and various personnel procedures. They also rejected several ministerial and ambassadorial appointments. Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see Section 4). However, the judicial branch remained weakened by years of neglect and politicization.

Abubakar's military Government, which consulted with a selected group of constitutional and legal experts around the country to revise the 1979 and 1995 Constitutions, promulgated the 1999 Constitution on May 5, 1999. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue alloca-

tion and power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted and there were continued calls for a national conference, mainly from the southwest.

Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states. In anticipation of the 2003 election INEC began preparing a draft electoral law for the National Assembly to consider in the next legislative session. Public forums were held during the year in all 36 states and the federal capital territory of Abuja to solicit citizens' views on the draft law. Over 10,000 citizens participated in these public fora; however, the draft law was not subject to much public debate outside of this exercise. The new law is designed to specify the requirements of party formation and registration.

Women are underrepresented in government and politics, although there were no legal impediments to political participation or voting by women. Men continued to dominate the political arena. NGO's continued to protest the underrepresentation of women in the political process, and women were underrepresented in the new civilian government. Only 6 women were appointed as ministers out of a total of 56 positions. There were 3 women among the Senate's 109 members, and only 12 women were elected to the 360-member House of Representatives. Women's rights groups pushed local, state, and the Federal Government (and local levels as well) to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there are more than 250 ethnic groups, and it is difficult to insure representation of every group in the Government. The federal- and state-level ministers generally are selected to represent the country's regional, ethnic, and religious makeup. President Obasanjo attempted to create an ethnically inclusive Government. The 56-member Cabinet and 109 ambassadorial slots were allocated to an equal number of candidates from each state to achieve a regional balance. Despite this effort, northerners and southeasterners criticized the Government for favoring westerners or ethnic Yorubas, while the southwesters criticized the Government for relying too heavily on northern and southeastern appointments.

Middle-belt and Christian officers dominate the military hierarchy. In June 1999, Obasanjo retired all military officers who held political office, which meant that a disproportionate number of northern Hausa officers—who dominated the upper ranks under the previous military regimes—left the service.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted local human rights groups to operate and did not interfere with their activities; nor did it detain, intimidate, or harass their members. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the human rights community assisted in the advancement of democracy. In June President Obasanjo, along with a number of cabinet members and National Assembly members, met with a number of prominent human rights representatives for discussions.

The Catholic Secretariat, a local sectarian interest group, continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels have included a number of NGO's, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations at year's end.

The International Committee of the Red Cross (ICRC) is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health.

The National Human Rights Commission (NHRC) was established by Decree 22 in 1995 and tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGO's, and was moving slowly toward establishing its credibility as an independent monitoring body. The NHRC is chaired by retired Justice Uche Omo and includes 15 other members. The NHRC is represented in some states by state-level affiliates. The NHRC is supposed to work closely with NGO's that are devoted to human rights issues. Since its inception, the NHRC has been denied adequate funding to do its job properly. At year's end, the NHRC had created a strategic work plan through 2002, and was in the process of developing a national action plan to be deposited with the UNCHR.

The HRVIP, commonly known as the Oputa panel, is a one-time panel that was established in June 1999 by President Obasanjo to investigate human rights abuses

dating to 1966 and the time of the first military coup. The Oputa panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do. According to Justice Oputa, the chair, the panel's primary goal is to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel will hear individual cases to establish patterns of abuses. The most common cases involved allegations of unlawful arrest, detention, and torture. The panel will also hear cases in which the rights of groups were violated. On October 23, the commission began a series of public hearings across the country to investigate the claims of over 10,000 petitioners.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1999 Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence was a problem, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

Women.—Reports of spousal abuse are common, especially those of wife beating. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape and sexual harassment continue to be problems. Prostitution is rampant, particularly in urban areas. A number of states, including most northern states which have begun the enforcement of Shari'a law, have begun to enforce existing laws or to introduce new laws to combat prostitution. Katsina, Jigawa, and Edo states have recently criminalized prostitution but it is not illegal in Lagos State; however, authorities can use statutes that outlaw pandering as a justification for arresting prostitutes (See Section 6.c). The adoption of Shari'a-based legal systems by northern states has led to the strong enforcement of laws against prostitution for both adults and children (see Section 2.c.). Southern states, like Edo, also are criminalizing prostitution and raising the legal age for marriage from 16 to 18. There is an active market for trafficking in women to Europe, and elsewhere (see Section 6.f.). In some parts of the country, women continue to be harassed for social and religious reasons. *Purdah*, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women experience considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment; however women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endure many forms of discrimination.

While some women have made considerable individual progress, both in the academic and business world, women remain underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only men can own land, and women can gain access to land only through marriage or family. In addition many customary practices do not recognize a women's right to inherit her husband's property, and many widows were rendered destitute when their in-laws take virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it occurs predominately in eastern Nigeria. Confined widows are under restrictions for as long as 1 year and usually are required

to shave their heads and dress in black garments. In other areas, a widow is considered a part of her husband's property, to be "inherited" by his family. Polygyny continues to be practiced widely among all ethnic groups and among Christians as well as Muslims and practitioners of traditional persuasions. Women are required by law to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in Shari'a courts. If one woman testifies, a second woman must also to provide testimony to equal the weight of the testimony of one man.

A number of states—Zamfara, Niger, Katsina, Jigawa, Sokoto, Kano, and Yobe—have adopted Islamic (Shari'a) law in varying degrees. In Zamfara state, local governments are instituting laws that will require the separation of Muslim men and women in transportation, health care, and primary educational services (see Section 2.c.). Separate transportation and health facilities for men and women already had begun to be implemented. A woman was pulled from a motorcycle and injured by vigilantes for breaking the new rule requiring separate transportation for women in a local government area of Zamfara State. The woman was not a Muslim. In September an unmarried 17-year-old woman was sentenced to 180 lashes for fornication and false testimony (see Section 1.c.).

A national network of women's rights NGO's described the Government's 1998 report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for the period 1986-94 as "inaccurate" in its positive portrayal of the status of women. The NGO Coalition for a Shadow Report on the Implementation of CEDAW (NGO CEDAW Coalition) issued its alternative report in March 1999, which was critical of the Government's failure to remove legal impediments and social discrimination faced by women. During the year, there reportedly was not much progress made to rectify the problems described in the NGO report.

Children.—Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution's general provisions call for the Government, "when practical," to provide free, compulsory, and universal primary education; however, despite the President's commitment to compulsory education, compulsory primary education rarely was provided, particularly in the north (see Section 6.d.). Girls are discriminated against in access to education for social and economic reasons. The literacy rate for males is 58 percent but only 41 percent for females. Rural girls are even more disadvantaged than their urban counterparts. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. In the north, Muslim communities favor boys over girls in deciding which children to enroll in secondary and elementary schools. In the south, economic hardship also restricts many families' ability to send girls to school and, instead, they are directed into commercial activities such as trading and street vending. While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children.

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.c and 6.d.). Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with adult criminals. The Government only occasionally criticized child abuse and neglect, and it made little effort to stop customary practices harmful to children, such as the sale of young girls into marriage (see Section 6.f.). There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income. Young girls often are forced into marriage as soon as they reach puberty, regardless of age, in order to prevent the "indecent" associated with premarital sex.

A number of states have adopted Islamic (Shari'a) law in varying degrees. While most schools in the north traditionally have separated children by gender, it is now required by law in Zamfara, Sokoto, and Kebbi state schools (see Section 2.c.).

There was evidence of trafficking in children (see Section 6.f.).

The Government publicly opposes Female Genital Mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health; however, it has taken no legal action to curb the practice. There are no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most are refocusing their energies to combat FGM at the state and local government area (LGA) level. Edo State banned FGM in October. Ogun, Cross River, Osun, Rivers, and Bayelsa states banned FGM during the year. However, the punishments imposed are minimal, in Edo state the punishment is a \$10.00 (1,000 Naira) fine and 6 months imprisonment. In addition once a state legislature criminalizes FGM, NGO's have found that they must convince the LGA authorities that state laws are applicable in their districts.

The Women's Centre for Peace and Development (WOPED) estimated that at least 50 percent of women are mutilated. Studies conducted by the U.N. Development Systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the actual prevalence may be as high as 100 percent in some ethnic enclaves in the south. While practiced in all parts of the country, FGM is more predominant in the southern and eastern zones. Women from Northern states are less likely to be mutilated; however, those affected are more likely to undergo the severe type of FGM known as infibulation. WOPED believes that the practice is perpetuated because of a cultural belief that uncircumcised women are promiscuous, unclean, unsuitable for marriage, physically undesirable, or potential health risks to themselves and their children, especially during childbirth. The National Association of Nigerian Nurses and Midwives, The Nigerian Women's Association, and the Nigerian Medical Association worked to eradicate the practice and to train health care workers on the medical effects of FGM; however, contact with health care workers remains limited. Nevertheless, most observers agree that the number of females who are currently subjected to FGM is declining.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which females are subjected to the practice varies from the first week of life until after a woman delivers her first child. The Ministry of Health, women's groups, and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

People with Disabilities.—While the Government called for private business to institute policies that ensured fair treatment for the disabled, it did not enact any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of the disabled to work.

Religious Minorities.—The law prohibits religious discrimination; however private businesses frequently are guilty of informal religious discrimination in their hiring practices and purchasing patterns.

Religious differences often correspond to regional and ethnic differences. For example, the northern region is overwhelmingly Muslim as are the large Hausa and Fulani ethnic groups of the region. Many southern ethnic groups are predominantly Christian. Consequently, at times it is difficult to distinguish religious discrimination and tension from ethnic and regional discrimination and tension, which are pervasive. Religious tensions underscored what were predominantly ethnic confrontations throughout the year.

When Kaduna state announced plans to implement Shari'a law, the large Christian minority in the state protested on February 21, leading to several days of violent confrontations. Estimates of the number of persons killed range from 1,000 to 1,500; many churches and mosques were burned. Many Christians in the north, fearing continued violence, returned to their historic homelands in the southeast.

On February 28, when the bodies of the victims from the Kaduna violence were returned home to the southeast, reciprocal violence erupted in Aba, Abia state, and, to a lesser extent, in the neighboring towns of Owerri, Imo state, and Onitsha, Anambra state. This violence was characterized by attacks on the minority Muslim Hausas by the majority Igbos. Estimates of the number of persons killed range from 400 to 500. Many of the Hausas were victimized due to their ethnic identity rather than their religious beliefs.

In addition to the violence related to the expansion of Shari'a law in Kaduna, Aba, Owerri, and Onitsha, there was civil unrest on March 7 in Sokoto following a pro-Shari'a rally by university students. Although there were no confirmed deaths, at least one church was burned and two others were vandalized. Local Christians sought refuge in military barracks, but they returned to their homes once calm was restored.

On March 27, at least one person was killed and several were injured in Borno State when a long-festering argument over the location of a church escalated into violence between Muslims and Christians. The church was burned down.

On May 22 and 23, rioting erupted in Nayari, Kaduna state after Christian residents found the body of a person whom they believed to have been a Christian killed by Muslims. Christians retaliated against Muslims and almost completely destroyed all Muslim residences and businesses, causing most Muslim residents to flee. Press reports indicated that as many as 200 persons were killed, although this total could not be confirmed. The exact cause of the outbreak remains unclear, although some observers believe that the violence was organized and preplanned by Kaduna Christians in order to prevent Muslims from returning to the neighborhood to rebuild their community following the violence related to the expansion of Shari'a laws in

February (see Section 2.c.). Some alleged perpetrators were detained, but eventually were released without standing trial.

In September Christians attacked Muslims in the Bambam community in southern Gombe State. The attackers, protesting against the arrival of the state's Shari'a committee, killed 18 persons and burned a number of buildings including places of worship for both Muslims and Christians, businesses, and at least 20 residences.

Sporadic incidents of attacks on individual religious leaders were reported, but the nature and perpetrators of the attacks varied (see Section 2.c.).

National/Racial/Ethnic Minorities.—The country's population of about 120 million is ethnically diverse, and consists of more than 250 groups, many of which speak distinct primary languages and are concentrated geographically. There is no majority ethnic group. The three largest ethnic groups, the Hausa-Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast, together make up about two-thirds of the population. The Ijaw of the South Delta area, the fourth largest group, claim a population of 12 million, roughly the same as the Kanuri population in the far northeast and Tiv population in the south. Because of the lack of reliable statistics, it is difficult to determine the populations of the various ethnic groups.

The Constitution prohibits ethnic discrimination by the Government. In addition the Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the Government and the armed forces by northerners and Muslims. The Government of Olusegun Obasanjo was an example of this diversity. Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance key positions and deputy positions among the different regions and ethnic groups. For example, the Minister of Defense is from one of the middlebelt states, while his deputy is a southwestern Yoruba. The Senate used its oversight role to reject many of Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued. The ethnic groups of the Niger Delta, in particular, continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Obasanjo Government of favoring southerners. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity is widely practiced by members of all ethnic groups and is evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups (see Sections 1.a. and 2.c.).

Clashes between the Ife and the Modakeke ethnic groups, both composed of Yoruba speakers and located in Osun state, increased from March to May, prompting a dusk-to-dawn curfew following the deaths of as many as 50 persons and much property destruction. Youths from both sides reportedly stopped vehicles at roadblocks to determine the ethnic status of passengers and shot those not of the same ethnic background. In the east, over 150 persons were killed in border disputes between Cross River and Akwa Ibom states. A clash between rival groups for the throne of the Owo in Ondo state resulted in the deaths of at least five persons and the destruction of a number of homes and businesses, resulting in another dusk to dawn curfew. In all of these inter-religious and interethnic clashes, the police were accused of favoring sides based on their own religious or ethnic identity.

The competing aspirations and tensions among the smaller ethnic groups related to the control and powers of subnational governments occasionally erupted into violence. Clashes occurred between rival ethnic groups in Delta, Rivers, Benue, Cross River, Bayelsa, Osun, Kaduna, Nassarawa, and Taraba states, often resulting in fatalities (see Section 1.a.).

There were unconfirmed reports that members of the armed forces beat and raped members of ethnic minorities (see Section 1.c.).

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom states, have echoed the Ogoni ethnic group's claims of environmental degradation

and government indifference to their development in the Delta. Groups such as the Ijaw, Itsekiri, Urhobo, and Isoko continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government forces increased in the delta area, particularly after the Ijaw Youth Council issued the Kaiama Declaration in December 1998 (see Section 1.a.). Other ethnic groups saw the Kaiama Declaration, which terms the entire Delta the property of the Ijaw, as threatening their rights. Disparate organizations of youths from a variety of ethnic groups continued to take oil company personnel hostage in the delta region (see Section 1.b.). In August Ijaw youth took 250 persons hostage in a Mallard Bay facility during a protest for more contracting jobs. As a result of this ongoing violence, many oil companies continued to employ local police, and in some cases military troops, to protect their facilities and personnel. Local youths claimed that these "militias" engaged in extrajudicial killings and other human rights abuses, in some cases with the support of foreign oil companies (see Section 1.a.).

In late October, the Niger Delta Development Commission (NDDC), an entity proposed in 1999 to increase government resources committed to the area and grant more local autonomy over expenditure of these resources, began operations. The 19 members of the commission come from both oil producing and non-producing states, ostensibly to provide a balanced representation of interests. The National Assembly must authorize a separate budgetary appropriation in order for the NDDC to begin the bulk of its work. The commissioners are scheduled to begin consultations in the Delta region in early 2001.

The Government continued its investigation into all contracts previously awarded under the auspices of the Oil and Minerals Producing Areas Development Commission. This commission, established in 1992 during the regime of General Ibrahim Babangida, widely was regarded as corrupt and ineffective in improving the conditions of Niger Delta residents.

In February the Enugu police halted a conference on the history of Biafra (see Section 2.b.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association for the protection of their interests; however, several statutory restrictions on the right of association and on trade unions remained in effect despite repeals of parts of the military-era antilabor decrees. Only a single central labor federation (the Nigerian Labour Congress) is permitted, and the Government recognizes only 29 trade unions. Trade unions must be registered formally by the Federal Government, and a minimum of 50 workers is required to form a trade union. Nonmanagement senior staff are prevented from joining trade unions, and senior staff associations are denied a seat on the National Labor Advisory Council. The ILO Committee of Experts has repeatedly cited several of these restrictions; however, the Government had not addressed these problems by year's end.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers include members of the armed forces and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications sectors. Employees working in a designated export-processing zone may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

According to figures provided by the Nigerian Labour Congress, total union membership is approximately 4 million. Less than 10 percent of the total work force belongs to unions. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employs the bulk of the work force, is not unionized. The informal sector and small and medium enterprises remain mostly nonunionized.

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement is composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended to dilute the bargaining strength of workers. Junior staff workers—primarily blue-collar workers—are organized into 29 industrial unions with a membership of approximately 4 million persons and are affiliated with the NLC. Twenty-one unions make up the Senior Staff Consultative Association of Nigeria (SESCAN), which has a membership of approximately 400,000 to 600,000. SESKAN—which is composed primarily of white-collar workers—has not been officially sanctioned by the Government, is prohibited from affiliating with the NLC, and is not seated on the National Labor Advisory Council. In 1999 SESKAN continued, without success to lay the

legal and political groundwork to achieve government recognition, which will require legislation.

In August the Government decertified the maritime workers union on the grounds that the union had not scheduled internal elections in accordance with its charter's requirement. In September the Government issued directives requiring maritime workers to register with specific contracting firms. As a result this historically powerful union was weakened; however, it continued to challenge the Government's action during the year.

Workers have the right to strike; however, certain essential workers are required to provide advance notice of a strike. Essential services include banking, postal services, transportation, firefighting, public health, and utilities.

There were several strikes throughout the year. The most important strike occurred in June, following a government decision to increase fuel prices by 50 percent. The NLC called a general strike that was widely observed, resulting in significant economic disruption. Following negotiations, the fuel price increase largely was eliminated. The strike action damaged relations between the NLC and the Government (see Section 2.b.). The oil worker unions National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (Pengassan) successfully went on strike in September over wages in order to force oil marketing companies to negotiate. The oil workers' wage demands were triggered in part by the Government's announcement of public sector salary increases in May. The oil worker unions also called wildcat strikes over issues including the firing of one company's tanker truck drivers who sought to affiliate with NUPENG, and, the raiding of a NUPENG office during civil unrest in the Delta. Academic and teacher unions went on strike several times during the year over nonpayment of wages and poor working conditions, as did doctors in Ibadan.

In July Lagos public sector workers went on strike to protest the state government's refusal to pay a higher minimum wage. On July 5, the protests turned violent when police used tear gas to disperse workers demonstrating outside of the Lagos State Secretariat complex. One person reportedly died in the violence, although the reason for the death was unclear. A compromise package offered by the state was accepted by the workers; however, the local union leadership continued to press for more pay at year's end.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believe that they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel (IAP) with prior approval of the Labor Ministry. The IAP's decisions are binding on all parties but may be appealed to the Nigerian Industrial Court (NIC). Union representatives have described the arbitration process as cumbersome and time consuming, and as an ineffective deterrent to retribution against strikers.

The NLC and labor unions are free to affiliate with international bodies; however, prior approval from the Minister is required. The NLC has affiliated with the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining occurs throughout the public sector and the

ernment retains broad authority over labor matters and often intervenes in disputes seen to challenge key political or economic objectives.

In 1999 the Government directed each state administration to establish its own salary structure on the basis of its ability to pay and with reference to the national minimum wage (see Section 6.e.). The Government's decision was taken without consultation with the civil service unions. Several state governments have argued that they are unable to pay the approximately \$65 (6,500 naira) monthly minimum wage to their employees (see Section 6.e.). An important case involving Lagos state, the largest public sector employer outside the Federal Government, was dismissed as unready for adjudication by the NIC. Other states are pursuing pay concessions, layoffs, the elimination of "ghost" workers, or a combination of all three actions to meet the new wage scale.

An export-processing zone (EPZ) remains under development in Calabar, Cross River State, while a second EPZ is planned for Port Harcourt, Rivers State. Workers and employers in such zones are subject to national labor laws, which provide for a 10-year amnesty on trade unions in EPZs from the startup of an enterprise. The ILO has commented that this prohibition and a 10-year prohibition on strikes and lockouts is incompatible with Convention 87 (on freedom of association and protection of the right to organize). The 1992 Export Processing Zones Decree has been criticized by the ILO for not allowing any unauthorized person to enter any EPZ.

c. Prohibition of Forced or Compulsory Labor.—The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor; however, trafficking in women and children for purposes of forced prostitution and forced labor is a problem (see Sections 5 and 6.f.). In addition, forced labor has been used in "Environmental Saturday" community clean-up projects that continued until Obasanjo abolished them in July 1999. "Environmental Saturday" was observed the last Saturday of every month in Lagos and was purportedly a community-based clean-up effort. However, uniformed "sanitation police" had the power (and regularly exercised it) to invade citizens' homes and force them to clean the areas surrounding their homes until the police deemed them clean. Widespread harassment of citizens by police was reported on "Environmental Saturdays."

Although employment of persons under 18 years of age generally is prohibited, except for agriculture and domestic work, the Government does not specifically prohibit forced and bonded labor by children. There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries where children are imported to work as domestic servants (see Sections 5 and 6.f.). The reports suggest that Nigerian children are exported to other African countries for domestic and agricultural work, and that children from neighboring countries are imported to work as domestic servants.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1974 Labor Decree prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law further stipulates that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age 13 under specific conditions.

Primary education is compulsory until grade 6, although this requirement rarely is enforced. Studies indicate declining school enrollment due to continuing deterioration of public schools and to increased economic pressures on families. The lack of sufficient primary school infrastructure and high school fees has ended some families' access to education, forcing them to place children in the labor market. Growing economic difficulties have led to a substantial increase in the use of children in commercial activities aimed at enhancing family incomes which tend to be meager. The ILO estimates that upward of 12 million children ages 10-14 (25 percent of all children) are employed in some capacity. The use of children as beggars, hawkers, and bus conductors is widespread in urban areas. The use of children as domestic servants is common. According to an ILO statement in 1998, the incidence of trafficking in children for forced prostitution also is growing (see Sections 5, 6.c., and 6.f.).

Private and government initiatives to stem the growing incidence of child employment continue but have not been effective. UNICEF operated a program in Kaduna that sought to remove young girls from the streets where they hawked petty goods and relocate them to an informal educational setting. UNICEF reported that despite the narrow focus on young girls, the program only began to address the problem during the year. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation. In August a formal agreement establishing the program was signed by the ILO and the Labor Ministry; however, the program had not shown any results by year's end due to logistical problems and changing personnel in the Ministry.

The Labor Ministry has an inspections department whose major responsibilities include enforcement of legal provisions relating to conditions of work and protection of workers. However, there are less than 50 inspectors for the entire country, and the Ministry conducts inspections only in the formal business sector where the incidence of child labor is not significant.

The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor, a prohibition that extends to children, although they are not mentioned specifically in the laws; however, there continue to be cases of trafficking in children as indentured servants or for criminal activities such as prostitution (see Sections 5, 6.c and 6.f.).

e. Acceptable Conditions of Work.—The 1974 Labor Decree set a minimum wage, which is reviewed on an ad hoc basis. In April the minimum wage was reviewed and increased, along with the public sector wage scale.

In May the minimum wage increased to \$75 (7,500 naira) per month for federal workers and \$55 to \$65 (5000 to 6500 naira) per month for state employees. Private employers in the formal sector track the public sector wage scale. Along with the many allowances that are paid, this boost in the minimum wage appears sufficient to support a decent standard of living. However, many government agencies were slow to pay the new wage scale, and all federal salaries were frozen for 3 months during the summer, pending a census of government employees. “Ghost workers” (who appear on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. As in 1998, the Government decided to increase federal salaries without adequate consultations with state governments, whose employees demanded similar wages; as a result, several state governments maintained that they could not afford to pay this wage. The issue of the minimum wage caused several labor disruptions throughout the year, and remains unresolved in several states.

The 1974 Labor Decree called for a 40-hour workweek, prescribed 2 to 4 weeks annual leave, and stipulated that workers must be paid extra for hours worked over the legal limit. The Decree also stated that employees who work on Sundays and statutory public holidays must be paid a full day’s pay in addition to their normal wages. There is no law prohibiting excessive compulsory overtime.

The 1974 Labor Decree sets out general health and safety provisions, some of which are aimed specifically at young or female workers. While it requires that the factory inspectorate of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards, this agency is greatly understaffed, lacks basic resources and training, and consequently neglects safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Decree also requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which is charged with enforcement of these laws, has been largely ineffective in identifying violators. The Government has failed to act on various ILO recommendations since 1991 to update its moribund program on inspection and accident reporting. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons.—No law makes trafficking in persons a crime. There is an active and growing market for trafficking in women and children to Europe. The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe reported a steady flow of women entrapped and sold into prostitution in Europe, particularly the Netherlands, Italy, and the Czech Republic. Italian authorities deported several hundred sex workers to Nigeria during the year. Other European countries deported similar numbers. Nigerian Interpol claimed that women usually entered the sex trade independently, were not controlled by syndicates, and were economically motivated. However, Human Rights Watch recently reported that according to women’s rights organizations, hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many were forced into prostitution in order to pay off debts. In addition, there is evidence that Nigerian crime syndicates may use indebtedness, threats of beatings and rape, physical injury to the victim’s family, arrest, and deportation to persuade those forced into sex work from attempting to escape. The police reported that the women’s families often condoned their entry into the trade. In 1999 there was at least one documented case of the trafficking in children to work as indentured servants in the United States.

The ILO reported that, based on a nationwide survey of child trafficking, approximately 19 percent of school children and 40 percent of street children have been trafficked for forced labor. The economic strategies that underlie child trafficking may be reflected in the fact that families who employ them also pay their school fees. Child traffickers also take advantage of a cultural tradition of “fostering” under

which it is culturally accepted to send one's child to live and work with a family in an urban center for educational and employment purposes. Often the children in these situations only work and do not get any formal education. They are forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income (see Section 5).

According to reports from the media and the ILO, there is an active trade in child laborers, some of whom are exported to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises, others of whom are coerced into prostitution. Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of the country and some southern states such as Cross River and Akwa Ibom have been the focus of trafficking of children for labor and, in some cases, human sacrifice. The country remains a destination point for the trafficking of Togolese children to serve as domestic or agricultural workers.

The Government is investigating allegations of the collusion of customs officials in trafficking. Some of the returnees have alleged that immigration officials actively connive with syndicates; however, there were no arrests of immigration officials for trafficking offenses during the year.

The Assistant Inspector General of Police is investigating allegations of the collusion of customs officials in trafficking.

There is government and societal acknowledgement that trafficking in women is a continuing problem, particularly to Western Europe. Police attempts to stem the trafficking of persons include extended jail sentences and public humiliation; however, such actions focused primarily on victims. Traffickers were not punished. Awareness campaigns, often conducted by NGO's and others, only recently have begun to generate widespread attention. For example, in September the Edo state governor and his wife, who heads a local NGO known as the Idia Renaissance, used the passage of new legislation banning prostitution and related activities to raise awareness of the trafficking problem. Also in September, President Obasanjo's wife assisted a Catholic charity in distributing new passports to sex workers stranded in Italy. However, there are no reliable statistics to determine if these campaigns were effective in reducing incidences of trafficking. The development of a reliable statistical base for assessing the child trafficking problem began under ILO auspices.

RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force and controls the Government of National Unity. On March 23, President Pasteur Bizimungu, who had been President since 1994, tendered his resignation. In accordance with the 1993 Arusha Accords, the RPF submitted two candidates to the National Assembly, which elected former Vice President and Minister of Defense General Paul Kagame, who was sworn in as President on April 22. The leadership transition took place without incident and was the first nonviolent presidential change in the country's history. President Kagame did not name a Vice President, but named a new Minister of Defense, Colonel Emmanuel Habyarimana, shortly after taking office. On February 28, Prime Minister Pierre Celestin Rwigema resigned and in accordance with the Arusha accords, on March 8, he was replaced by Bernard Makuza. The Prime Minister runs the Government on a daily basis and is responsible for relations with the National Assembly, which is influenced by the executive branch. In January the former Speaker of the Assembly, Joseph Seberenzi, was forced from office due to a political party power struggle. In 1994 the parties agreed to suspend party activity below the national level for the duration of the transition period, which originally was scheduled to end in July 1999. However, in June 1999, the Government announced the extension of the transition period for another 4 years. While March 1999 local elections for community development committees were held, commune level elections were postponed until 2001 due to legislative, logistical, and financial problems. The judiciary suffers from a lack of resources, inefficiency, and some corruption.

The Minister of Defense is responsible for external security and military defense; the Minister of Internal Security is responsible for civilian security matters as well as supervision of the prisons and the national police. The new civilian Rwandan National Police (RNP) replaced the gendarmerie and the communal police. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the police. A volunteer

force of armed civilian local defense units with limited arrest powers also works throughout the country. The security situation in the northwest remained calm. There were numerous and widespread unconfirmed reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses in the DRC. The Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Members of the security forces committed serious human rights abuses, although to a lesser extent than in the previous year.

The country is very poor, and 70 percent of the population lives in poverty. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. A 2-year drought has led to food shortages and famine in some parts of the country. Per capita annual income is \$252. Subsistence agriculture employs more than 90 percent of the labor force. The principal exports are coffee and tea. Small-scale commercial activities are increasing, but the industrial and tourism base remains limited.

The Government's human rights record remained poor, and the Government continued to be responsible for numerous, serious abuses; however, there were some improvements in a few areas. Citizens do not have the right to change their government. The security forces committed extrajudicial killings within the country; there also were many reports, some of which were credible, that Rwandan army units operating in the Democratic Republic of the Congo (DRC) committed deliberate extrajudicial killings and other serious abuses. Some deaths in custody were due to mistreatment or abuse by corrupt officials. There were allegations of a small number of disappearances. Security forces beat suspects, and there were some reports of torture. Prison conditions remained harsh and life threatening and prisoners died from starvation, curable diseases, or abuse. Most of the prisoners housed in jails and local detention centers (cachots) are accused of participating in the 1994 genocide; many have been detained for up to 6 years without being charged. Arbitrary arrest and detention, and prolonged pretrial detention remained problems. The Government took steps to prosecute and punish some human rights abusers. The judiciary is subject to executive influence and does not always ensure due process or expeditious trials. Genocide trials continued at a slow pace. The Government released approximately 3,000 detainees whose files were incomplete, who were acquitted, or who were ill or elderly. The Government restricted freedom of the press, and limited freedom of assembly and association. The Government imposed some restrictions on freedom of religion. The Government limited freedom of movement. Security forces generally did not harass refugees who returned from neighboring countries. The Government was hostile toward some nongovernmental human rights organizations. Violence and discrimination against women were problems, as was discrimination based on indigenous and ethnic status. There were reports that prisoners were hired out for labor in private homes and businesses. Child labor persists, particularly in the agricultural sector.

Insurgents tied to those responsible for the 1994 genocide committed several killings.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—The RPA continued to commit extrajudicial killings inside the country, although fewer than the previous year, due to its success in largely suppressing the insurgency in the northwest, as it pushed Hutu rebels including the former Rwandan armed forces (ex-FAR) and the Interahamwe militia inside the territory of the DRC. Security in the northwest remained calm. However, there were credible reports that RPA forces committed extrajudicial killings in the DRC.

On March 5, three men reportedly in military uniform shot and killed Assiel Kabera, an advisor to then-President Bizimungu, outside his house. The Government maintains that Kabera's killing was related to a family dispute involving Antoinette Kagagu, who was killed the week before outside her home. In February Kagagu was acquitted of the 1998 murder of her husband and Kabera reportedly was involved in a dispute over custody of her children. No one was arrested or charged in Kabera's murder by year's end; however, the Government stated that an investigation was ongoing.

Human rights organizations claim that several incidents of alleged attacks by rebels led to counterattacks by security forces. In late December 1999, there were reports that soldiers illegally detained a man from Gisenyi and four others in a ditch for 6 weeks (see Section 1.d.). When the men escaped in mid-February, allegedly after having been told they were to be killed the next day, RPA soldiers recap-

tured one, shot him, and left him for dead. When the soldiers discovered the man still was alive, they told residents they were transporting him to the hospital, but beat the man to death instead. There also were reports that in early January, security forces beat to death Jean Damascene Gatabazi, an alleged bandit. During the year, the Government began to provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. It also increased measures to arrest alleged offenders from the security services; according to the Government, 27 soldiers were arrested and detained on charges of murder, manslaughter, or armed robbery in the DRC. Others were arrested on charges of offenses committed in Rwanda. According to the Government, all of those arrested were awaiting trial in military prisons at year's end.

The improvement in the security situation in the northwest led to a corresponding decline in alleged reprisals by the RPA; however, there were reports of incursions and murders by armed infiltrators in the northwest, some of whom were ex-FAR or Interahamwe.

The National Demining Office (NDO), an independent unit of the RPA, reported three deaths from landmine or unexploded ordnance explosions in July; numerous persons were injured (see Section 1.c.). These mines are believed to be left over from the 1990-94 conflict between the former government and the RPA.

Harsh prison conditions contributed to the deaths of approximately 1,100 inmates during the year. Some deaths in custody were due to abuse by corrupt prison officials (see Section 1.c.).

Since the start of the current war in the DRC in August 1998, RPA troops have participated on the side of the Congolese rebel movement *Rassemblement Congolais pour la Democratie* (RCD) against the DRC Government. In July 1999, all parties involved in the war in the DRC signed the Lusaka Agreement, which included a cease-fire; however, all parties, including RPA soldiers, repeatedly participated in battles after the declaration.

There were allegations of human rights violations during fighting between RPA and Ugandan army troops in Kisangani, DRC, in May and June, which resulted in hundreds of civilian deaths, over 1,700 persons injured (see Section 1.c.), and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that RPA and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting. Many died from injuries because they were unable to get medical attention; transportation to hospitals during the fighting often was unavailable. Many displaced persons remained at a camp outside of the city for several months because they feared to return to their homes. There was widespread reporting throughout the year of killings and other human rights abuses by both pro-DRC and anti-DRC government forces, including the RPA, in the conflict in the DRC. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those affected by active combat, primarily in eastern DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities. Both pro- and anti-DRC Government forces extensively used propaganda disseminated via local media, including charges leveled against opposing forces, further complicating efforts to obtain accurate information regarding such events.

The Government admits that human rights abuses have occurred in territory under RPA/RCD control, but claims that these were acts committed by individuals, not by the military as an institution. On January 29, in Bunia, a Rwandan soldier reportedly summarily executed a Congolese rebel soldier based on the suspicion that the Congolese soldier was passing information to an opposing rebel group. On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them (see Section 1.c.), and then killed 30 persons. From March 6 to 8, RPA forces reportedly made repeated attacks on the village of Kilambo in Masisi, North Kivu Province, and allegedly executed numerous persons suspected of collaborating with the Interahamwe. For example, the RPA reportedly killed two men known as Kapalata and Mamboleo, Samuel Kanyomo, a woman named Suzana, and her three children. On June 23, in Walikale, DRC, RPA Captain Alexis Rugira and other RPA soldiers, stole Baligizi Mufungizi's bicycle and killed him. Captain Rugira, Lt. Gapfunsi, S/Maj. Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by the military tribunal at year's end. On September 1, RPA Captain Peter Kabanda and other RPA soldiers allegedly killed 67 unarmed civilians in Masisi, North Kivu, DRC. The captain and the other RPA soldiers were ar-

rested for acting contrary to operational orders and for failing to differentiate between the enemy and unarmed civilians. The soldiers were in detention awaiting prosecution for murder before the military tribunal at year's end. There were other reports of extrajudicial killings committed either by elements of the RCD, which the RPA materially supported and in some respects often directed, or in which direct involvement by RPA soldiers was not clear to persons who found it difficult to distinguish between RCD and RPA forces. Some of these reports of RPA killings surfaced in Kinshasa, DRC, media directly or indirectly controlled by the DRC Government; however, other such reports emerged through international religious or humanitarian organizations and were based on the accounts of multiple witnesses or photographic or other evidence. The reported extrajudicial killings of civilians by RCD and Rwandan forces in the DRC often reportedly were committed in reprisal for guerrilla attacks on RCD or Rwandan forces.

There were unconfirmed reports that Rwandan and Ugandan forces used landmines during the fighting in Kisangani; however, the number of resulting deaths and injuries is unknown.

There was no investigation nor action taken in the January 1999 case in which the RPA killed two infiltrators in Gitarama prefecture. There was no investigation nor action taken in the February 1999 case in which the RPA killed four insurgents in Ruhengeri, and put the body of one on display at the Nyarutovu internally displaced persons (IDP) camp. There was no investigation nor action taken in the May 1999 case in which the army reportedly killed 49 persons, mostly women and children, after they fled into Volcanoes National Park.

Although the Government has arrested and investigated several soldiers for their roles in human rights violations committed in DRC territory since the start of the current war in 1998, none of those in custody listed in the Government's report had been brought to trial by year's end. The RPA and RCD claimed that they continue to investigate the RCD commanders believed to be responsible for the January 1999 massacre in Makobola, DRC; in that incident 37 civilians allegedly were killed in revenge for the killing of RCD soldiers by Mai-Mai forces. One suspect was arrested, but allegedly escaped from detention and fled to Uganda. The Government claims the Interahamwe militia, not the RCD, killed Roman Catholic Father Kakuja in November 1999. RCD forces allegedly killed six militiamen in pursuit of the priest's attackers. During the year, there were numerous reports that RCD forces, participating with or supported by the RPA, buried 15 women alive at Mwenga in December 1999. However, the Government denied these charges and claims that 3 women, not 15, were only badly beaten by civilians who accused the women of witchcraft. According to the Government, the women were rescued from mob justice by RCD troops, but later died from their injuries. In December 1999, the RCD/RPA arrested the RCD commander, but he escaped from jail on February 5 along with 32 other detainees.

Domestic courts continued adjudicating cases arising from the 1994 genocide (see Section 1.c.). On June 14, following a 19-month trial, the Court of First Instance acquitted of all genocide charges Roman Catholic Bishop Augustin Misago, the highest-ranking Catholic clergyman and the first Bishop to be charged with genocide. The Government has filed an appeal, which was pending at year's end. In August two group trials were held by the Court of First Instance in Cyangugu prefecture resulting in numerous convictions, for which sentences, including death and life imprisonment were handed down. On October 25, the Ruhengeri Court of Appeals overturned the convictions of Edouard Nturiye and Francois Kayiranga, two Catholic priests who were sentenced to death in 1998 on genocide charges.

In June 1999 in the DRC, Rwandan prosecutorial police arrested and transferred to Kigali former Radio Mille Collines broadcaster Valerie Bemeriki on charges of genocide and crimes against humanity. She allegedly incited persons to kill during the 1994 genocide with her inflammatory radio broadcasts. Bemeriki remained in detention pending trial at year's end.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, also prosecuted genocide suspects (see Section 4). On January 27, Alfred Musema was sentenced to life imprisonment for genocide and crimes against humanity, including rape. On March 31, the ICTR Appeals Chamber ruled that Jean-Bosco Barayagwiza, former officer in the foreign ministry and a member of the Radio Television Libre des Mille Collines planning committee, remain in ICTR custody to be tried for genocide and crimes against humanity (see Section 4). A joint trial broadcast by the media, including Barayagwiza, began on September 18 and was ongoing at year's end. On October 19, the ICTR denied former Prime Minister Jean Kambanda's appeal against a life sentence for genocide; he immediately was remanded to begin his sentence. Kambanda had challenged his 1998 sentence on various grounds. The joint trial against former Minister of Family and Women's Af-

fairs Pauline Nyiramasuhuko and other former government officials was placed on the schedule for April 2001.

A number of ICTR cases were ongoing at year's end. The genocide trial against former mayor Ignace Bagilishema continued during the year. Former Information Minister Eliezer Niyitegeka, former Health Minister Casimir Bizimungu, and a number of former ministers remained in detention awaiting trial in Arusha. Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander, and Lt. Colonel Tharcisse Muvunyi, both of whom were transferred to Arusha during the year, were in detention pending trial at year's end (see Section 4). Elizaphan Ntakirutimana, a preacher who was extradited to Arusha in March, remained in detention pending trial for allegedly inciting the massacre of hundreds of Tutsi seeking refuge in his church (see Section 4). Bernard Ntuyahaga, a former army major, who feared he would be deported to Rwanda to face trial, turned himself in to the ICTR seeking to be a protected witness; however, he was released from ICTR custody and subsequently was arrested by Tanzanian authorities on immigration violations. In November former army captain Innocent Sagahutu was transferred from Denmark to Arusha. Sagahutu and Ntuyahaga are accused of murdering the former Prime Minister and 10 Belgian peacekeepers assigned to protect her in 1994. Ntuyahaga remains in a Tanzanian jail awaiting a ruling on Belgium's and Rwanda's extradition requests. Sagahutu remained in detention pending a joint military trial by the ICTR for 12 counts of complicity in the 1994 genocide.

Lightly armed civilian local defense units (LDU's) exist, but are not professional security forces. During the year, soldiers and LDU members allegedly killed civilians on several occasions when they mistook the civilians for infiltrators from the Congo. There were reports that individual LDU members or demobilized soldiers were responsible for the shooting and killing of some civilians. Most killings apparently were the result of personal quarrels, thievery, or drunkenness. There was no investigation nor action taken in the August 1999 case in which members of an LDU shot and killed a woman in the Nkamira transit camp.

In June approximately 12 bodies, some headless or without clothes, were seen floating in the Akagera River, but it is unclear who the persons were or how they were killed.

b. Disappearance.—Based on interviews with residents of Kibungo prefecture, local and international human rights organizations alleged that some Hutu residents, mostly boys and small business owners, disappeared from their homes or from prisons (see Section 1.c.).

There were sporadic, unconfirmed reports that persons arrested and detained in areas of the DRC controlled by anti-DRC government forces were transferred to Rwanda and remained unaccounted for by year's end. For example, on May 15, RPA soldiers reportedly arrested Ainakafota, the director of the BolongoBas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, DRC, and two other staff members of the human rights NGO, on suspicions of spying. The ANMDH and family members have not been able to locate Ainakafota or the staff members since their arrest; inquiries to Rwandan officials concerning their whereabouts have produced no results.

In the DRC, RPA and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

There were no developments regarding several refugees returning from the DRC in 1999 who registered at a transit center, but failed to arrive in their home communes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The fundamental law prohibits torture; however, a nongovernmental organization (NGO) credibly reported that beatings at the time of arrest are common, and some released detainees reported that they had been tortured. There were Amnesty International and Human Rights Watch reports in April that accused the RPA of forcibly returning to the country and mistreating former soldiers and others alleged to have helped political opponents leave the country, or believed to support the former King. For example, there were reports that four men arrested in Burundi and Tanzania under false pretenses were detained and tortured by RPA soldiers after being forcibly repatriated to the country; however, the National Commission for Human Rights (NCHR) and the men's families visited the men in detention and reported that the men did not appear to have been tortured. In June the Government refuted such claims in a written response to Human Rights Watch. There were reports that at least three of the men was released by year's end.

On August 11, three soldiers harassed and beat the wife of Vales Kwitegetse, a journalist with the government-controlled newspaper Imvaho (see Section 2.a.).

The NDO reported that 22 persons were injured from landmine or unexploded ordnance explosions during the year; 3 persons also were killed (see Section 1.a.).

During the year, there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga, DRC, in December 1999 (see Section 1.a.). However, the Government denied these charges and claims that 3 women, not 15, were beaten severely by civilians who accused the women of witchcraft.

There were reports that Rwandan and Ugandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public places and often in the presence of their families. A woman raped in this manner generally is forced out of her village, and must leave her husband and children behind.

On February 5, RCD and RPA soldiers reportedly attacked the village of Kilambo, North Kivu Province. The rebels allegedly tied up men, raped their wives in front of them, and then killed 30 persons (see Section 1.a.).

There were reports that both Rwandan and Ugandan forces used landmines during the fighting in Kisangani (see Section 1.a.).

The RPA continues to dismiss soldiers for indiscipline and criminal offenses.

At least one international NGO has complained that government security forces have harassed some of its informants (see Section 4).

Unlike in the previous year, there were no reports during the year from a domestic human rights group that detainees interviewed for its reports showed wounds resulting from mistreatment.

There was no investigation nor action taken against the police who reportedly beat and arrested six university students who, along with other students, were marching to the Prime Minister's office in August 1999.

Prison conditions are harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 110,000 prisoners detained on genocide-related or security-related charges and estimates that an additional 5,000 prisoners are detained on charges unrelated to the genocide; however, the Ministry of Justice routinely refers to the prison population as 130,000. The prison population has remained stable since early 1998. The ICRC feeds inmates in the 19 main prisons and also provides additional expertise and logistical and material support to improve conditions for inmates. Overcrowding is a chronic problem, and sanitary conditions are extremely poor. The ICRC does not believe that prison conditions have improved with the 1999 transfer of prison administration to the Ministry of Internal Affairs; however, conditions in the *cachots* have improved. The Government does not provide adequate food or medical treatment. On some occasions during the year, the Government was unable to provide any food; in June a food shortage was remedied with supplies from the ICRC. Harsh prison conditions and malnutrition contributed to the deaths of numerous inmates. Some deaths in custody were due to abuse by officials. Most of the approximately 1,100 deaths during the year were the result of curable diseases, suspected HIV/AIDS, or the cumulative effects of severe overcrowding. The Ministry continued to dismiss prison officials, some of whom subsequently were jailed on corruption charges. Women are detained separately from men; however, hundreds of children were incarcerated with adults throughout the prison system (see Section 5).

There were reports that some Hutu residents, mostly boys and small business owners, disappeared from their homes or from prisons (see Section 1.b.).

The ICRC, human rights organizations, diplomats, and journalists have regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest, Detention, or Exile.—The fundamental law provides legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice, and security forces continued to arrest and detain persons arbitrarily. The justice system collapsed during the war and genocide of 1994. With help from the international community it is being rebuilt slowly and is beginning to function more normally. The Government does not have the capacity to ensure that provisions in the Constitution are enforced or that due process protections are observed.

In December 1999, there were reports that soldiers illegally detained a man from Gisenyi and four others in a ditch for 6 weeks (see Section 1.a.).

On April 22 in the DRC, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August (see Section 2.d.). Rwandan authorities freed Bahati following international criticism.

In late July, security forces detained several members of the taxi drivers union, ATRACO, who staged a protest and peaceful demonstration against the union's

leader for internal reasons (see Section 6.a.); it was unknown whether the protest was legal.

In general the law requires that authorities investigate, then obtain a judicial warrant before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions are disregarded widely. The law permits preventive detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety.

Over 95 percent of the approximately 115,000 individuals presently incarcerated are awaiting trial on genocide charges. Some have been in jail since 1994. The Government does not have the capacity to process cases within a reasonable time frame. In March 1997, the Government, with extensive assistance from donors, established mobile groups whose mandate is to establish or complete files, which indicate the basis for charges, for all prisoners. While these groups have handled more than 60,000 cases, approximately 18,000 prisoners remain without files. In 1999 the National Assembly amended the law to permit the continued detention of genocide suspects through mid-2001.

On April 21, former chairman of the Mouvement Democratique Republicain (MDR) political party Bonaventure Ubalijoro was released provisionally for humanitarian reasons after 13 months in prison without charges. He had been arrested in March 1999, allegedly for embezzlement, but there were rumors that Ubalijoro was arrested for his presumed involvement in the death of a dozen prisoners in the 1960's while he was Minister of Internal Security.

Despite some problems with reprisals in communities that had not been sufficiently sensitized to receiving released prisoners, the Government continued to release prisoners who were elderly, ill, without files, acquitted, or sentenced to terms outside of prison. Prisoners without files were presented to their villages to allow villagers to make complaints against the prisoners or to confirm that there was no reason to detain them. As of December, 480 suspects were presented to the public in this process, called the Gisovu Project, and of these, 226 were released. Many of the nearly 3,000 detainees released were those without case files. Rearrests because of community criticism were rare. This change was attributed to improved enforcement by the Ministry of Justice of the laws governing arrest and to recognition of the fact that the existing prison caseload is already more than the system can handle. In 1999 in Kibuye prefecture, judicial officials delayed the release of 1,000 genocide suspects who have no case files due to fear that the community had not been sensitized sufficiently to receive the suspects peacefully.

During the year, international human rights organizations were granted access to military detention facilities where civilians sometimes are detained.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The fundamental law provides for an independent judiciary; however, the Government did not respect this provision fully; the judiciary is subject to executive influence and also suffers from inefficiency, a lack of resources, and some corruption. There were occasional reports of bribery of officials, ranging from clerks to judges. The 12-member Anti-Corruption Commission charged with fighting corruption in the judiciary continued to make progress. It is chaired by the Minister of Justice and charged with investigating all activities involving corruption and educating citizens on methods that can be used to fight corruption. Several magistrates and prosecutors were suspended or dismissed on corruption charges during the year. There were reports that some magistrates were removed from office from May through August following “not guilty” verdicts of suspects alleged to have participated in the 1994 genocide. There also were credible reports that a few magistrates were removed from offices on false charges of genocide.

The fundamental law provides for a system of communal courts, appeals courts, and a Supreme Court of six justices. The President nominates two candidates for each Supreme Court seat, and the National Assembly may choose one or reject both; however, the latter is not known to have happened.

The law provides for public trials with the right to a defense, but not at public expense. The shortage of lawyers and the abject poverty of most defendants make it difficult for many defendants to obtain representation. International NGO's such as *Avocats Sans Frontiers* (ASF or Lawyers Without Borders) provide defense and counsel some of those in need, but it is estimated that less than 50 percent of prisoners have defense counsel. Lawyers from ASF rarely accept individual cases and assist mostly in group trials; numerous individuals represent themselves without legal assistance. During the year, new judges, prosecutors, and judicial defenders were sworn in and assigned to courts throughout the country. Over 100 judicial de-

fenders trained by a foreign NGO began their work. However, the Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time. The judiciary is focused on resolving the enormous genocide caseload of some 110,000 prisoners. The Government increased its use of group trials as one method of reducing the caseload. It also embarked on a nationwide campaign to explain gacaca, a grassroots participatory form of justice aimed at prosecuting genocide suspects, ahead of its expected enactment. On June 13, the former Secretary General in the Ministry of Justice, Aloysie Cyanzayire, was elected President of the sixth chamber of the Supreme Court, which will oversee the implementation of gacaca. The gacaca bill had not become law by year's end, but it is estimated that gacaca trials may begin in 2001. According to the draft gacaca law, lawyers will not be permitted to participate officially in gacaca proceedings, and gacaca "judges" are to be elected by their communities.

By year's end, approximately 3,343 persons had been judged on genocide-related charges, most following group trials. According to a detailed study by LIPRODHOR, a local human rights organization, between January and September, 1,588 persons were judged. Of the 585 persons judged on genocide-related charges between January and March, 58 received the death penalty; 124 were sentenced to life in prison; 248 received various prison terms; 75 received other penalties; and 80 were acquitted. The vast majority of trials met international standards. The military tribunals conducted no trials during the first quarter of the year. LIPRODHOR also actively monitors trials and interviews released prisoners. No public executions occurred.

A portion of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. As a result of efforts by the Government, international donors, and NGO's to advertise widely the confession provisions, over 20,000 prisoners had confessed since the law was implemented in 1996. However, only a small number of confessions were processed due to the lengthy administrative review and hearing, and the lack of officials to process the confessions through the system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and authorities generally respected these prohibitions.

Forced conscription has been practiced by the RPA, particularly after the RPA entered the conflict in the DRC. Citizens who served in the military may be recalled to compulsory duty at any time.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The fundamental law provides for freedom of speech and of the press; however, the Government restricted freedom of the press in practice, despite some improvements. Some journalists were critical of the Government and generally were not harassed. Other journalists, including one foreign journalist, claimed that the Government intimidated journalists whose reporting was contrary to official views. Most journalists practice selfcensorship due to fear of government reprisals.

On September 2, Vales Kwitegetse, a journalist with the government-controlled newspaper Imvaho, fled to Uganda after military officers threatened his life and beat his wife (see Section 1.c.). Kwitegetse was investigating a story about corruption involving the chief of the Government's antismuggling unit.

In September 1999, Helena Nyirabikali, a female journalist who worked for the state-owned weekly newspaper Imvaho for over 15 years, was arrested on genocide charges. She was transferred to a hospital during the year where she died from a heart-related illness.

In February 1999, John Mugabi, editor of the monthly newspaper Newsline, was detained on libel charges after he refused to reveal the source(s) for an article he had written. Mugabi was released provisionally in May 1999. Several conditions were placed on his freedom of movement and travel; however, although those conditions were not lifted, he faced no restrictions during the year, and was able to travel outside of the country.

All associations, including the Rwandan Journalists Association (ARJ), and all NGO's, must register and apply for a license under the NGO legislation that the National Assembly passed in 1999; however, this legislation had not become law by year's end. In June the Government required all NGO's to reregister and temporary permits were awarded pending implementation of the new law. Without a license, the Association legally may not act on behalf of its members nor apply for assistance from NGO's or other donors. The Government did not act on the application of any NGO for a license; however, the Government gave temporary permits to NGO's, in-

cluding the ARJ, in order for them to operate legally until the new law is implemented and it can receive a license.

Media sources are limited. There are several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There is no daily newspaper. The Government owns the only national radio station and the only television station, which has 5 hours of programming per day. The government-controlled radio station, Radio Rwanda, is widely listened to and each Sunday broadcasts a call-in program, which discusses and debates controversial subjects. Radio Rwanda journalists are civil servants of the National Office of Information (ORINFOR). The British Broadcasting Corporation broadcasts on FM from Kigali in several languages. The German broadcasting service Deutsche Welle also broadcasts from Kigali.

The government-owned telecommunications company is the sole Internet service provider; however, during the year, several licenses were granted to private companies that plan to provide Internet services in the future.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The fundamental law provides for freedom of peaceful assembly; however, the authorities limited this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings; authorities generally prohibit nighttime meetings.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations are required to register but, with few exceptions (see Section 2.a.), the Government generally grants licenses without undue delay. All unions must register with the Government (see Section 6.a.).

The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for Defense of the Republic (CDR), both implicated in planning and executing the 1994 genocide, are banned by law.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, it imposes some restrictions. There is no state religion.

The Government requires nonprofit organizations, including religious groups, to register with the Ministry of Justice in order to acquire “juridical existence.” This registration generally is routine and not burdensome. Relevant legislation makes no provision for tax-exempt status for such organizations. Failure to register leaves an organization unable to legally conclude agreements with other organizations, including agreements to receive assistance.

There were no reports that government officials barred from office persons who refused for religious reasons to take the oath of office; such an incident occurred during the 1999 election. The law provides for small fines and imprisonment for up to 6 months for anyone who interferes with a religious ceremony or with a minister in the exercise of his profession.

The Government forbids religious meetings at night on the grounds that insurgents formerly used the guise of nighttime “religious meetings” to assemble their supporters before attacking nearby targets.

Local officials on several occasions briefly detained persons who, on religious grounds, refused to participate in nighttime security patrols or cooperate in other government programs. Among the detainees were adherents of “Temperance” and “Abagorozi,” both said to be offshoots of the Adventist Church and Jehovah’s Witnesses. The Government harassed, arrested, and detained some members of Jehovah’s Witnesses during the first 6 months of the year. Despite these accusations, there does not appear to be a pattern of systemic government discrimination against any particular religious group.

After the doomsday cult-related deaths in Uganda in March, the Government cautioned local officials to be alert to similar cults in Rwanda. In April local officials detained nine leaders and members of a religious organization called “The Evangelic Ministry in Africa and the World” in Byumba prefecture, near the border with Uganda. This organization had convinced a number of persons to leave work or school and surrender their material possessions in expectation of an imminent second coming of Christ.

Several members of the clergy of various faiths, notably Catholicism, have faced charges of genocide in both Rwandan courts and the ICTR. In June a Rwandan Court found Roman Catholic Bishop Augustin Misago not guilty of all charges related to his actions during the 1994 genocide. He was released soon after the decision was announced. On October 25, two Catholic priests were released when their 1998 convictions on genocide charges were overturned upon appeal (see Section 1.a.).

Catholic officials have charged that the Government is prejudiced against the Church. Catholic officials also have criticized the determination of the Government

to maintain some massacre sites in churches as memorials to the genocide, rather than returning the buildings to the Church.

Numerous human rights groups reported that RPA and Ugandan troops in the DRC, as well as various rebel factions, targeted Catholic clergy for abuse. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. Credible reports indicate that occupying troops and their rebel allies deliberately targeted Catholic churches as a means of both intimidating the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda.

On February 11, RCD/Goma rebel forces operating in DRC prevented the Archbishop of Bukavu, Emmanuel Kataliko, from returning to his diocese. Rebels alleged that the Archbishop's Christmas message urged harassment of Tutsis in eastern DRC. A number of sources in eastern DRC indicate that the decision to exile Kataliko to the town of Bunia was made by officials of the Government of Rwanda. Archbishop Kataliko was allowed to return to Bukavu, DRC, in September; however, on October 3, the Archbishop died of an apparent heart attack while in Rome.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice. Citizens must show identification when requested. Travel authorization is not needed and citizens can move or settle temporarily anywhere without a residence permit. However, citizens must obtain a new national identification card when making a permanent move to a new commune.

Rebel and Rwandan authorities used threats and intimidation to prevent several dozen Congolese who had traveled from eastern DRC from returning after attending the National Consultations. This action resulted in civil society members from eastern DRC being stranded in Kinshasa for weeks, and sometimes months, after the National Consultations. On April 22, security forces arrested civil society activist Bruno Bahati as he returned from the National Consultations, and reportedly kept him in detention in both Rwanda and the Kivu Provinces until August. Rwandan authorities freed Bahati following international criticism (see Section 1.d.).

Over 600,000 persons were displaced in the northwest in late 1998 and moved into villages, called umudugudus, as a result of insurgent activities and government military operations to halt them. During late 1998 and the first half of 1999, the displaced persons were moved into 183 villages under the Government's policy of villagization. Although the Government claimed that the move to villages was voluntary, some observers believe that many persons were compelled to move by government authorities; others may have relocated out fear of government security forces or insurgents. The Government no longer compels these persons to remain in the villages; however, restrictions on where persons can build houses forces some to remain in the villages. One NGO estimates that over 90 percent of the population of Kibungo prefecture and 60 percent of Umutara prefecture were living in villages; however, other sources dispute those percentages.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognizes the right to asylum "under conditions determined by law;" however, there is no law in place to recognize refugees. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to a number of refugees. The vast majority were Congolese refugees who fled their country during unrest in 1996. Approximately 500 Burundians still are awaiting compensation for their property seized in 1997 when the Government revoked their refugee status, granted in the 1970's.

Over 80,000 Rwandan refugees remain in the DRC, Tanzania, Uganda, Burundi, Malawi, Zambia, Angola, Republic of the Congo, Cameroon, Central African Republic, Togo, and Benin. However, due to the conflict in the DRC, many refugees have returned to the country. The average weekly rate of return of refugees from northeast DRC was approximately 400.

There were reports of persons from Kibungo prefecture seeking refuge in Tanzania during the year, at least in part due to drought conditions. Other persons in the region left after men or boys in their families reportedly disappeared (see Section 1.b.). With the replacement of the Kibungo prefect and other local leaders in August, the flow of refugees into Tanzania from Kibungo decreased significantly. By September approximately 60 refugees per week returned from Tanzania.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government by democratic means. The Rwandan Patriotic Front (RPF) is the dominant political force in the country. Following the genocide of 1994, political parties agreed to form a government of national unity based on the 1992-93 Arusha Accords. This agreement laid the basis for the apportionment of ministries and other offices. The RPF brought representatives of four opposition parties into the Government after its military victory in 1994, but none of the officials was elected. Political parties also agreed to suspend political activities for a period of 5 years, during which time the transition to elected government was to have been completed. This 5-year period was scheduled to end in July 1999; however, the Government announced in June 1999 the extension of the transition period by 4 additional years. The announcement did not mention political party activities; however, the parties continue to observe the suspension. Other political parties alleged that the RPF actively promoted itself regionally and at the communal level, while prohibiting other political parties from doing the same. A National Assembly is functioning, with nine political entities represented, including the RPA. The political bureaus or executive committees of their respective parties chose assembly members, known as deputies. For the first time in 1999, the "political forum," an informal grouping of senior members of each of the political parties represented in parliament, dismissed 21 deputies for misconduct, alleged corruption, or incompetence. The parliamentary commissions of inquiry investigated allegations of corruption and other alleged misdeeds of ministers. Some of the inquiries resulted in the sanctioning and resignation of ministers.

The central Government appoints officials at the commune and prefecture levels. The Government announced that planned communal elections, the first since 1968, would be postponed until 2001 due to legislative, logistical, and financial difficulties. Political parties will not participate in the communal elections. In March 1999, the Government held elections for local development committees at the cell level (the smallest geographic jurisdiction) and sectors (the next largest jurisdiction). Some of the committees were very active; they proposed, selected, and implemented development projects financed by the limited resources available to them.

The National Unity and Reconciliation Commission, charged with educating the public on such issues as ethnic understanding, peace building, history, and civics, is active. The National Constitution Commission, charged with the preparation of a new Constitution, was established and its 12 members appointed in November.

No legal restrictions hinder the participation of women in political life; however, women remain underrepresented in politics and in the Government. The Constitution was revised to increase the number of seats in the assembly from 70 to 74, including 2 seats for female representatives; however, the women were not sworn in by year's end. Prior to the increase in seats, there were 18 female assembly members and 3 female cabinet members. The Batwa ethnic group also is largely underrepresented in government and politics.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. However, none has the resources to conduct extensive human rights monitoring. Local NGO activities often are limited to receiving and compiling reports from citizens about human rights abuses and conducting selective investigations. Reports are published occasionally; statements criticizing specific incidents are more common. Only one or two local human rights NGO's are viewed as strictly impartial.

The Government was critical of the reports by some international human rights NGO's, and was hostile towards those whose reporting was perceived as biased and inaccurate. In June the Government produced point-by-point refutations to the accusations contained in the Human Rights Watch report published in April, calling into question the authors' motives. At least one international NGO has complained that government security forces have harassed some of its informants (see Section 1.c.).

The National Commission for Human Rights (NCHR) hosted several human rights seminars during the year. The Government allows the commission to operate independently and without undue influence. The NCHR intervened in some cases of human rights abuses on behalf of citizens. For example, following a request from family members, the NCHR raised with the Government the case of four men arrested in Burundi and Tanzania and forcibly repatriated to the country (see Section 1.c.).

The ICRC operates normally and is active in visiting prisons.

The ICTR, based in Arusha, Tanzania, continued to prosecute genocide suspects during the year (see Section 1.a.). Cooperation between the Government and the ICTR improved following the ICTR Appeals Chamber's March 31 decision that Jean-Bosco Barayagwiza remain in ICTR custody to be tried for genocide and crimes against humanity; his trial began on September 18 (see Section 1.a.). The judges revised their decision on the basis of the chief prosecutor's introduction of additional facts. The ICTR operates under an agreement signed in 1999, which clarified some aspects of protection measures, but concentrated largely on the ICTR staff's privileges and immunities. During the year, the Government of Swaziland signed an agreement with the ICTR to accept prisoners convicted by the ICTR; the Governments of Mali and Benin signed similar agreements in 1999. The Government of Italy also agreed to house Georges Riuggiu, the only non-Rwandan in ICTR custody; however, the implementation of this agreement had not occurred by year's end. On February 6, in London, Lt. Colonel Tharcisse Muvunyi was arrested and transferred to Arusha on genocide charges. On May 23, Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander, was transferred from France to Arusha. In March Elizaphan Ntakirutimana was extradited to Arusha for trial.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing; however, the Government provides only limited enforcement of these provisions.

Women.—Violence against women is common. Wife beating and domestic violence occur frequently. Cases normally are handled within the context of the extended family and rarely come before the courts.

Numerous suspects have been tried and convicted for crimes of violence against women and girls. In April Aman Bazambanza was found guilty in a 15 suspect group trial of raping 2 young girls in Kigali rural prefecture; the court sentenced 10 of the suspects to 20 years in prison and 4 others to 10 years. The lengthy sentences for rape were the first such sentences in the justice system. Several other rape trials were held throughout the country in which perpetrators received the maximum sentences under the law.

Despite constitutional provisions, women continue to face discrimination. Women traditionally perform most of the subsistence farming and play a limited role in the modern sector; however, a number of women run small and medium-sized enterprises or are executives. Women have limited opportunities for education, employment, and promotion. The 1992 Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody but does not meet the constitutional commitment to gender equality. For example, the code formally designates men as heads of households. Civil society groups and human rights NGO's provided training on women's rights under the matrimonial regimes and inheritance law, which came into effect at the end of 1999. The law allows women to inherit property from their husbands and fathers and allows couples to choose the type of property rights they wish to adopt (i.e., joint ownership, community property, etc.).

The Ministry of Gender and Women in Development is charged with handling issues of particular concern to women. The Minister is an active advocate for women's rights. Since the 1994 genocide a large number of women's groups has emerged. These organizations are extremely active in promoting women's issues, particularly problems faced by widows, orphaned girls, and households headed by children, and addressing social and cultural barriers to the equality of women.

Children.—The Government is committed to children's rights and welfare. It attempts to provide education and health care to every child. Over 85 percent of the children who were separated from or lost their parents during the 1994 genocide and the massive repatriation in 1996 have been reunited with family members or placed in foster homes. At an August conference on children's rights hosted by UNICEF, the Government asked for the immediate return of approximately 30,000 children living abroad; it claims that most were taken without the consent of their parents during the genocide. Many of the children abroad have been adopted. In November the Government asked that 41 children adopted in Italy be repatriated; discussions between the Governments of Rwanda and Italy continued at year's end.

All families must pay school fees to enroll a child. The Government routinely waived fees for orphans. UNICEF estimates that over 60,000 children age 18 or younger head households in the country. The Government worked closely with local and international NGO's to secure assistance for children in such situations. The Government regularly held sessions with local officials to sensitize them to the

needs of households headed by children and emphasized the additional responsibility officials bear in connection with this group.

The public schools lack essential and basic supplies and cannot accommodate all children of primary school age. A UNICEF study reports that 400,000 school-aged children were unable to go to school in 1999. Private schools often are too distant or too expensive to serve as an alternative for many children. Entry to secondary school is by examination. According to the 1996 study conducted by the Government and the U.N. Population Fund, 59.6 percent of the population age six and over had primary education, but only 48 percent of the whole population is literate; 52 percent of men are literate compared to 45 percent of women. Only 3.9 percent of citizens had completed secondary school and only 0.2 percent had an university education. The highest percentage of those with no education is in the 30 and over age group, indicating a trend toward increased educational levels in recent years.

Although the Penal Code prohibits the imprisonment of children with adults, the ICRC reported that 185 children, most of whom are age 2 or younger, are incarcerated with their mothers. In 1999 the ICRC reported that approximately 570 children who were under the age of 14 at the time of their arrest are incarcerated on genocide-related charges; some 25 children under the age of 14 currently are incarcerated.

On February 1, local authorities again arrested 1,300 street children and ordered them to return to their communes of origin or face the penalties for vagabondage and other crimes attributed to them. Many returned to street again a short time later.

In the DRC, RPA and Ugandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces rural peasants slept in their fields.

People with Disabilities.—Although there are no laws restricting persons with disabilities from employment, education, or other state services, in practice few disabled persons have access to education or employment. No laws or provisions mandate access to public facilities.

Indigenous People.—With the removal of ethnic labels from identification cards in 1996, the Batwa are no longer designated officially as an “ethnic group.” Less than 1 percent of the population is considered Batwa. The Batwa, survivors of the Twa (Pygmy) tribes of the mountainous forest areas bordering the DRC, exist on the margins of society and continued to be treated as inferior citizens by both the Hutu and Tutsi groups. There are seven Batwa organizations focused on the protection of their interests, access to land, housing, and education, and eradication of discrimination against them; however, they have been unable to protect their interests. Few Batwa have access to the education system, resulting in their minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval. There is one Batwa representative on the National Commission for Human Rights.

National/Racial/Ethnic Minorities.—Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis are not clearly distinct groups, since the two have intermarried for generations. The 1994 mass killings and migrations probably affected the ethnic composition of the population, but the extent and nature of the changes are unknown.

Large-scale interethnic violence in the country between Hutus and Tutsis has erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction a Hutu-dominated government and implemented in large part by Hutu-dominated armed forces (now the ex-FAR) and Interahamwe militia; that genocide ended later the same year when a predominately Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew that government and established the current Government. The Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card. The Government has not addressed statutorily the problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority in education, training, and government employment effectively ceased with the change of government in 1994. Some Hutu organizations and individuals accuse the Government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters. Some

organizations also complain that in hiring, the government favors English-speaking Tutsis over French-speaking Tutsis.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to create professional associations and labor unions, and the Government generally respects this right in practice. The labor movement has been hampered in practice due to the massive disruptions caused by the 1994 genocide. Unions have been continued to regroup and assert themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government denied recognition. The law prohibits unions from having political affiliations, but in practice this is not always respected. Union activists complain that employers threaten to fire employees who attempt to organize or join unions.

Organized labor represents only a small part of the work force. More than 90 percent of workers are engaged in small-scale subsistence farming. About 7 percent work in the modern (wage) sector, including both public and private industrial production, and about 75 percent of those active in the modern sector are members of labor unions.

Until 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the 1991 Constitution, the CESTRAR officially became independent of the Government and the later-outlawed MRND political party. Unions outside the CESTRAR have been registered.

The Constitution provides for the right to strike, except for public service workers. A union's executive committee must approve a strike, and a union must try to resolve its differences first with management according to steps prescribed by the Ministry of Public Service and Labor. Members of the taxi drivers union, ATRACO, staged a protest and peaceful demonstration against the union's leader for internal reasons in late July; security forces detained several persons (see Section 1.d.).

Labor organizations may affiliate with international labor bodies. The CESTRAR is affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining, although only the CESTRAR had an established collective bargaining agreement with the Government. In practice since most union members are in the public sector, the Government is involved intimately in the collective bargaining process (see Section 6.e.).

The law prohibits antiunion discrimination, and there were reports during the year that some employers threatened their employees who wished to join unions. No formal mechanisms exist to resolve complaints involving discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor; however, prisoners are assigned to work details, which generally involved rebuilding houses, clearing land, or other public maintenance duties. Prisoners also can be hired to perform work on private residences and businesses. It is unclear how much revenue the prisoners are given in return for their work.

Although the law does not specifically prohibit forced and bonded labor by children, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age For Employment.—Except for subsistence agriculture, the law prohibits children under age 18 from working without their parents' or guardians' authorization, and they generally may not work at night. The minimum age for full employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Public Service and Labor has not enforced child labor laws effectively; however, in July the Ministry of Public Service and Labor and the Ministry of Local Government and Social Affairs, in collaboration with UNICEF, announced a national program aimed at educating children about their rights. It is rare to see child labor outside the agricultural sector.

The law does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Public Service and Labor sets minimum wages in the small modern sector. The Government, the main employer, effectively sets most other wage rates as well. There is no single minimum wage; minimum wages vary according to the nature of the job. The minimum wages paid

are insufficient to provide a decent standard of living for a worker and family and in practice, workers accept less than the minimum wage. Often families supplement their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities have a 40-hour workweek. The law controls hours of work and occupational health and safety standards in the modern wage sector, but labor inspectors from the Ministry of Public Service and Labor enforce them only loosely. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy. The Government is composed of an executive branch and a unicameral legislature (the National Assembly). The President appoints the Prime Minister, who in turn appoints the ministers of the Government. Miguel Trovoada, leader of the Independent Democratic Alliance (ADI), was reelected President in 1996 for a second 5-year term in an election deemed generally free and fair by international observers, despite allegations of an unconstitutional modification of the voter lists between the first and second rounds. In the November 1998 legislative elections, the Movement for the Liberation of Sao Tome and Principe (MLSTP) won an outright majority with 31 of 55 seats, and holds all 10 seats in the Cabinet. The judiciary is generally independent; however, it is subject at times to influence and manipulation.

The Minister of National Defense, Security, and Internal Order supervises the military services and the police. Many members of the military are part-time farmers or fishermen. After a military mutiny in 1995, the Government and international donors have dedicated resources to improving soldiers' living conditions. No defense expenditures have been used for lethal weapons since the advent of multiparty democracy in 1990.

The economy is based on the export of a single product, cocoa, produced in an archaic, state-run system of plantations called "rocas." The Government has privatized some of the state-held land but had limited success in privatizing state-owned enterprises. The Government has not been successful in its efforts at structural adjustment, and the economy continued to face serious difficulties. While the inflation rate held at 10 percent during the year and the currency stabilized, the country remained highly dependent on foreign aid, and external debt is six times gross domestic product. Per capita income is less than \$330 per year, and economic growth is slow. Unemployment, although difficult to quantify, remained very high.

The Government generally respected the rights of its citizens; however, there were problems in a few areas. The principal human rights problems continued to be harsh prison conditions, an inefficient judicial system, violence and discrimination against women, and outdated plantation labor practices that limit worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or cruel and inhuman punishment, and the Government respects these prohibitions in practice. There were no reports of violations during arrests or interrogations.

Prison conditions are harsh but not life threatening. Facilities are overcrowded, and food is inadequate. Women and men are held separately, and juveniles are separated from adults.

Human rights monitors are not known to have requested permission to make prison visits; it is believed that the Government would permit such visits if requested.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government respects these prohibitions in practice.

Exile is not used as a punishment. All those exiled under the one-party regime of 1975 to 1990 remain free to return, and several prominent politicians have done so.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respect the independence of the judiciary in principle; however, the judicial system is subject to influence and manipulation. The judiciary has returned verdicts against both the President and the Government. The Government has important powers relating to the judiciary, including setting salaries for judges and all ministerial employees in accordance with standard government salary guidelines. Government salaries are extremely low, and the authorities are concerned that judges may be tempted to accept bribes.

The legal system is based on Portuguese and customary law, with the Supreme Court at the apex.

The Constitution provides for the right to fair public trial, the right of appeal, and the right to legal representation. However, in practice the judicial infrastructure suffers from severe budgetary constraints, inadequate facilities, and a shortage of trained judges and lawyers, causing long delays in bringing cases to court and greatly hindering investigations in criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the integrity of the person and the right to privacy of home, correspondence, and private communication, and the Government respects these provisions in practice. The Government does not engage in intrusive practices, such as surveillance of persons or the monitoring of communications. The judicial police are responsible for criminal investigations and must obtain authorization from the Ministry of Justice to conduct searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and freedom of the press, and the Government generally respects these rights in practice. Two government-run and six independent newspapers and newsletters are published sporadically, usually on a monthly or bimonthly basis.

Television and radio are state operated. While there are no independent local stations, no laws forbid them. The Voice of America, Radio International Portugal, and Radio France International rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

All parties freely distribute newsletters and press releases stating their views and criticizing the Government, the President, and one another. There were no reports of government censorship or threats of censorship from any group, nor any reports of efforts by national security forces to suppress criticism.

The Government does not restrict access to or the use of e-mail, the Internet, or satellite telephones. However, the only domestic Internet service provider is a joint venture in which the Government's Post and Telecommunications Office is a partner, and the cost of Internet access remains high; consequently, access remains limited in practice.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. The Government requires that requests for authorization for large-scale events be filed 48 hours in advance, but it generally grants the appropriate permits.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice.

Domestic law contains no specific provisions for granting asylee or refugee status in accordance with the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol. However, the authorities traditionally have welcomed those seeking refuge or asylum. No requests for first asylum were reported during the year, but in theory the Government would be prepared to grant such requests.

There were no reports that persons were forced to return to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised this right for the first time in 1991 in free and fair presidential and legislative elections, and subsequently in the 1994 and 1998 legislative elections, and the 1996 presidential elections. These elections resulted in the peaceful

transfer of power between political party coalitions. Voter participation exceeded 80 percent in these elections. International observers noted that the 1998 legislative elections were free and transparent. Each of the three principal political parties has significant representation in the unicameral National Assembly. Elections are by secret ballot on the basis of universal suffrage for citizens 18 years of age or older. In the 1998 legislative elections, the MLSTP won an outright majority with 31 out of 55 seats and filled all 10 Cabinet positions.

The Constitution provides for the election of the President, who as Head of State names the Prime Minister. The Prime Minister appoints members of the Government.

There are no restrictions in law or in practice on the participation of women in politics; however, women are underrepresented in politics and government. Women hold 4 of 55 seats in the National Assembly, 1 of 12 seats in the Cabinet, and 3 of 4 seats on the Supreme Court.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A small number of local human rights groups have formed since 1991 and operate without restriction or governmental interference. There were no known requests by international human rights groups to visit the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the equality of all citizens regardless of sex, race, racial origin, political tendency, creed, or philosophic conviction; however, the Government has not sought actively to enforce these provisions.

Women.—While the extent of the problem is unknown, violence against women occurs, and medical professionals and officials reported firsthand experience in dealing with violence, including rape. They also reported that although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Traditional beliefs and practices also inhibit women from taking domestic disputes outside the family.

While the Constitution stipulates that women and men have equal political, economic, and social rights, and while many women have access to opportunities in education, business, and government, in practice women still encounter significant societal discrimination. Traditional beliefs concerning the division of labor between men and women leave women with much of the hard work in agriculture, with most child-rearing responsibilities, and with less access to education and to professions. According to a 1991 study, female literacy is approximately 62 percent, while male literacy is approximately 85 percent.

Children.—A number of government and donor-funded programs were established to improve conditions for children, notably an ongoing malaria control project and purchase of school and medical equipment. There has been improvement in maternity and infant care, in nutrition, and in access to basic health services, especially in urban areas. Mistreatment of children was not widespread; however, there were few social protections for orphans and abandoned children.

Education is free and universal; there are no differences between the treatment of girls and boys in regard to education. Education is compulsory through sixth grade, irrespective of the age of the student.

People with Disabilities.—The law does not mandate access to buildings, transportation, or services for persons with disabilities. There are no reports of discrimination against the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right to strike. Few unions exist in the very small modern wage sector; however, independent cooperatives have taken advantage of the government land distribution program to attract workers and in many cases to improve production and incomes significantly. Public sector employees still make up the great majority of wage earners. Strikes are legal, including those by government employees and other essential workers. There were frequent strikes during the year by civil servants seeking an increase in the minimum wage, while the Government sought to reduce expenses. However, in November the Government reached agreement with the strikers. There are no laws or regulations that prohibit employers from retaliating against strikers; however, there were no reports of retaliation.

No restrictions bar trade unions from joining federations or affiliating with international bodies, but none have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides that workers may organize and bargain collectively; however, due to its role as the

principal employer in the wage sector, the Government remains the key interlocutor for labor on all matters, including wages. There are no laws prohibiting antiunion discrimination, but there were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, and it is not known to occur. The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Employers in the modern wage sector generally respect the legally mandated minimum employment age of 18 years. The Ministry of Justice and Labor is responsible for enforcing this law. Children are engaged in labor in subsistence agriculture, on plantations, and in informal commerce, sometimes from an early age. The Government prohibits forced and bonded labor by children, and the prohibition is respected in practice (see Section 6.c.). The Ministry of Labor is responsible for enforcing the prohibition against forced and bonded labor by children.

The Government has not taken action on ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Working conditions on many of the state-owned plantations—the largest wage employment sector—are extremely bad. There is no legally mandated minimum wage. The average salary for plantation workers does not provide a decent standard of living for a worker and family, and the real value of their pay is eroded constantly by high rates of inflation. In principle workers and their families are provided free (but inadequate) housing, rudimentary education for their children, and health care, as well as the privilege of reduced prices and credit at the “company store.” These arrangements are intended to subsidize food and clothing. However, corruption is widespread, and international lending institutions have criticized the Government for ineffective administration of these subsidies. Workers often are forced to pay higher prices on the parallel market to obtain the goods theoretically provided at a discount as part of their compensation.

The Government, with foreign donor assistance, privatized or redistributed the land in many state-run plantations in an effort to improve work, pay, and living conditions. While the program has redistributed some land, not all of the newly privatized plantations were successful, particularly because the world price for cocoa dropped.

The legal workweek is 40 hours with 48 consecutive hours mandated for a rest period, a norm respected in the modern wage sector. The 1979 Social Security Law prescribes basic occupational health and safety standards. Inspectors from the Ministry of Justice and Labor are responsible for enforcement of these standards, but their efforts are ineffective. Employees have the right under the law to leave unsafe working conditions.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. In March opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, defeated President Abdou Diouf, whose Socialist Party had dominated political life for the past 40 years, in an election considered to be both free and fair and marred only by reports of sporadic pre-election violence and minor procedural irregularities. The post election transition period was markedly free from violence and characterized by good conduct on the part of all candidates. In 1998 the Government amended the Constitution to create a second legislative chamber, a Senate, to which the President appoints one-fifth of the members, and an electoral college consisting largely of elected local and regional government officials chooses most of the others. In protest against this electoral system, most of the opposition parties boycotted the first senatorial elections held by the Government in January 1999. The ruling Socialist Party won all seats in this election, and the Government formally inaugurated the Senate in February 1999. In May 1998, the PS won 50 percent of votes cast and 93 of 140 seats in elections for an expanded National Assembly. Unlike previous elections, these were supervised by a National Election Observatory (ONEL), independent of the Government. Although the elections were marred by violence and by persistent flaws in the electoral system, observers concluded that they were generally free, fair, and transparent. The Government continued to implement decentralized regional and local administrations. Sporadic fighting continued in the

Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). On December 16, the Government and the MFDC, joined by representatives from both the Gambia and Guinea-Bissau, met in Ziguinchor to start a new round of peace talks. The prospects for success of these talks were still unclear by year's end. The Constitution provides for an independent judiciary; however, it is subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming. Recorded gross domestic product (GDP) per capita is estimated at about \$600, but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of between 2 and 3 percent per year since 1995. Exports account for about one-third of recorded GDP, and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget.

The Government generally respected the rights of its citizens in some areas; however, its human rights record was marked by serious problems in other areas. Free and fair presidential elections in March, in which the opposition candidate won, ended the Socialist Party's domination of political life; however, the previous Government's 1998 creation of a second legislative chamber, in which no members are elected directly by the citizenry and one-fifth of the members are appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State. Government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. Police tortured and beat suspects during questioning and arbitrarily arrested and detained persons.

Prison conditions are poor, and lengthy pretrial detention is a problem. The Government rarely tries or punishes members of the military, gendarmerie, or police for human rights abuses. The judiciary is subject to government influence and pressure and suffers from low salaries and insufficient resources. In the past, the police sometimes infringed on citizens' privacy rights. At times the Government limited freedom of the press. There were some instances in which the Government limited freedom of assembly. In April the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. The office had not begun to function by year's end, although it reportedly received numerous letters. Domestic violence and discrimination against women, female genital mutilation, and child labor remained problems. Mob violence also is a problem.

Rebel MFDC forces reportedly were responsible for killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. After a period of calm during 1999, the incidence of violence in the Casamance region increased during the year and resulted in some deaths. During the year, the press continued to report on frequent small arms attacks, raids, ambushes and clashes with military forces by suspected MFDC gunmen, with continuing military and civilian fatalities.

While there were no new reported cases of death caused by civilian law enforcement authorities this year, cases from previous years remained unsolved.

No investigation or other action was taken in the April 1999 case in which security forces shot a young man mistaken for a rebel.

In February 1998, police officers from the Thiaroye station in Dakar arrested and beat a young man after he tried to flee during an identity verification check. The young man died before receiving medical care, and the authorities listed the cause of death as natural. With the help of the African Assembly for the Defense of Human rights (RADDHO), a local human rights organization, the family of the de-

ceased filed a legal complaint. According to RADDHO, in August 1999 the Dakar regional court supported the finding of "death from natural causes" and closed the case.

In December 1997, a child was shot and killed in the Hann area of Dakar when police opened fire on a group that was demonstrating against an eviction order. With the help of RADDHO, the family of the deceased filed a legal complaint in December 1998 which was still pending at year's end.

On many occasions vigilante groups and mobs lynched suspected thieves. This type of mob violence generally remains unpunished. However, on October 18, a mob in Medina killed a man suspected of having committed a burglary in the area. Members of the household allegedly robbed by the man and some of their neighbors were charged with manslaughter and tried on November 15 by the regional court in Dakar. On November 30, the court sentenced the accused to 6 months in prison.

On April 11, a group of suspected MFDC gunmen attacked a military post in Sare Wali, about 19 miles from the provincial capital of Kolda close to the border with Guinea-Bissau, killing 3 government soldiers. According to official sources, government forces killed 15 rebels during the incident. In a separate incident on April 11 suspected MFDC gunmen attacked the village of Fanda, during which they killed one government soldier, harassed civilians and stole property. According to official press sources, government security forces killed several MFDC gunmen during the attack.

There were at least two reports of deaths caused by the use of landmines by suspected MFDC rebels in the Casamance region. The incidents reportedly occurred in May in the Niomone and Cap Skirring areas, with eight civilian deaths reported in the Niomone area and two in the Skirring area.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

In 1999 there were several credible reports of disappearances in connection with the conflict in the Casamance. In its 1999 annual report, RADDHO accused security forces of responsibility for the disappearance of seven civilians in June, and 3 suspected rebels in April of that year (see Section 1.d.). These persons remained unaccounted for at year's end.

In September a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy reported the disappearances to civilian authorities, who were unsuccessful in finding either person. Government investigations into both disappearances reportedly are underway.

RADDHO alleged that government security forces abducted two civilians in September and December 1998 respectively. Their whereabouts remain unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment. The press repeatedly reported instances of torture perpetrated by police, usually beatings, and the problem remained a serious public concern.

According to human rights activists from Guinea-Bissau, in June Senegalese security officials arrested four Guinea-Bissauan citizens from the border village of Kuntima in northern Guinea-Bissau. The four reportedly were suspected of involvement in attacks by armed robbers from Guinea-Bissau, or by MFDC separatist rebels. Human rights activists alleged that security forces tortured the suspects while they were detained in a jail in the city of Kolda. The suspects were released later that month.

Despite stronger legal provisions against torture put in place in 1997, those cases that are pursued often take years before a final judgment is reached. Government action to resolve the October 1998 case of alleged rough, abusive, and inhuman treatment of RADDHO's Casamance regional office head, Ankilling Diabone, by security forces remained pending during the year. According to RADDHO, the Government opened an investigation that it could not complete without interviewing Diabone, who went to France and has declined to return.

According to credible press reports, on May 5 suspected MFDC separatist rebels brutalized and raped four women abducted from a farm in Sanoun, close to the Guinea-Bissau border. The women were released the following day.

On June 21 suspected MFDC rebels attacked the village of Sare Kambi, and stole property. During the attack gunmen beat up a man and abducted his two wives. The rebels reportedly were attacking villages in the border area in retaliation for their alleged cooperation with government security forces.

On July 4, a panel of judges in the Court of Criminal Appeals dropped charges of torture and complicity in crimes against humanity made against former Chadian

president Hissen Habre, arguing that the court has no jurisdiction in the case. Attorneys representing the coalition of human rights organizations that initiated the lawsuit appealed the decision before the Court of Final Appeals, and the case was pending at year's end.

Prison conditions are poor. Prisons remain overcrowded, and food and health care are inadequate. However, there have been no reports of deaths in prison as a result of these conditions.

The Government permits prison visits by independent human rights monitors. Local human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), and the International Prison Observatory occasionally visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrest and detain persons.

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. There is a system of bail, but it rarely is used. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. Government-sponsored legislation passed in January 1999 enhanced the rights of the accused by according the right to an attorney after this initial period of detention. Previously this right was accorded only after formal charges were filed. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. The new legislation also gave judges the right to order release pending trial without the prosecutor's consent.

Police rarely are prosecuted for violations of arrest and detention procedures, and the authorities may detain a prisoner for long periods of time while they investigate and build a case against a suspect. The authorities routinely hold prisoners in custody unless and until a court demands their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averages 2 years. In a 1998 effort to improve the administration of justice the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period. In 1999 approximately 90 graduated judges were assigned to different courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside.

According to human rights activists from Guinea-Bissau, in June Senegalese security officials arrested and detained four Guinea-Bissauan citizens from the border village of Kuntima in Northern Guinea-Bissau (see Section 1.c.)

Following fighting in the Casamance in late April 1999, the military rounded up 15 persons with Diola names on suspicion of involvement with the MFDC. All but three of these prisoners were released within 4 days; however, those three remained unaccounted for at year's end.

In January 1999, the National Assembly passed legislation to eliminate the law that held "acts or maneuvers aimed at casting discredit on government institutions" as criminal offenses punishable by imprisonment of 3 to 5 years and a fine of up to \$2,500 (1.5 million CFA francs). Legal experts considered this provision to be a legal instrument that the Government could use to jail political dissenters. On a few occasions in the past the Government had jailed opposition leaders under this provision, apparently on the basis of their political activities.

The Constitution prohibits exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it is subject to government influence and pressure. Magistrates are vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities have extensive authority to influence judicial procedures by keeping the accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the three created in May 1992 to replace the Supreme Court: The Council of State; the Constitutional Council; and the Court of Final Appeal. These courts remain understaffed, and many of the special courts, including one to deal with unlawful enrichment and others to try government officials for treason and malfeasance, are dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning

inheritance and divorce. However, customary law decisions are rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if they are involved in violations of military law committed by military personnel.

In principle the accused is innocent until proven guilty, and when brought to trial it is the State's burden to prove that the accused is guilty of the charges. Trials are public, and defendants have the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants are denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In December the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a "maison de la justice" to be staffed by voluntary jurists—usually retired judges or attorneys.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

There were no reports that government officials monitored mail or telephone communications without judicial authorization.

MFDC rebels sought to collect supplies and money from civilians. On June 25 suspected MFDC separatist rebels attacked and stole civilian property in the villages of Sare Manfaly, Sare Ansou, Sare Yero Oussou, close to the border with Guinea-Bissau. In a separate violent attack launched on June 28, gunmen stole civilian property and set fire to village food supplies and seed stocks.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, at times it imposed some limits on these rights. Laws prohibit the press from the expression of views that "discredit" the State, incite the population to disorder, or disseminate "false news." A criminal case against three Sud Communication journalists for defamation was pending at year's end.

On July 27, the Government filed a lawsuit against the publisher of the independent weekly paper *Le Temoin* and one of its reporters, on charges of publishing false news. The charges were made in connection with a story published by the newspaper a few weeks earlier, in which the newspaper claimed that President Wade had yelled at Mauritanian President Ould Taya during a telephone conversation. A few weeks earlier, the publisher of *Le Temoin* was interrogated twice by internal security officials. The lawsuit was pending at year's end.

On August 23, the Government charged the publisher and the Casamance correspondent of the independent daily newspaper *Le Matin* with publishing false news and undermining the morale of the armed forces and of the populace, and with compromising the State's internal security. The Government also charged the publisher of *Le Matin* with insulting the head of state. In a radio interview following the announcement of the Government's decision to file a lawsuit against *Le Matin*, the publisher of *Le Matin* criticized the Government's action. On August 26, after meeting with the publisher and owner of *Le Matin*, President Wade withdrew all of the lawsuits that he had filed against both *Le Matin* and *Le Temoin*.

On December 13, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the penal code. On the same day, the publisher and managing editor of the newspaper *Le Populaire* were summoned and interrogated for 7 hours by the criminal investigation division after the newspaper published a review of the 19-year old Casamance conflict. On December 16, they were arrested and then released on the same day after being charged with "disseminating false news and undermining public security." Their cases were pending at year's end.

A broad spectrum of thought and opinion is available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often are critical of the Government and its programs. While publishers are required to register prior to starting publication, the Government routinely approves such registrations.

Radio, being relatively inexpensive, remained the most important medium of mass information and the main source of news for citizens outside urban areas. Six privately owned radio stations broadcast within the country; of these, citizens own five. There are also three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no harassment was reported.

A government monopoly controls local television, an important source of news. While there are no privately owned domestic television stations, French-owned pay television is available but offers no local news.

In August 1999 the Government investigated an incident in which some followers of a local Islamic leader belonging to the Mouride Brotherhood set fire to the bedroom of the local correspondent of a Dakar-based daily newspaper. The case was closed without arrests or criminal charges that same month.

At year's end, at least 10 Internet service providers operated in the country. The Government did not restrict access to the Internet. A personal account with unlimited access time cost about \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided short-term access to the Internet that was used by many persons unable to afford personal accounts.

Academic freedom generally is respected; however, student meetings on part of the campus of the University of Dakar are banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies. In March 1999, on two occasions, police forcibly dispersed, and destroyed the property of, students demonstrating on the campus of Dakar University in favor of increased scholarships (see Section 2.b.). In December 1999, police personnel also forcibly dispersed similar protests by students demanding immediate payment of scholarships (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and while the Government generally respected this provision in practice, there were a few instances in which the Government limited this right. The Government requires prior authorization for public demonstrations, which it usually grants. Meetings by students on the academic campus of the University of Dakar are banned informally, but this prohibition does not extend to the dormitory areas of the campus. In March and December 1999, police officials forcibly dispersed two unauthorized student demonstrations.

While in past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, there were significantly fewer such incidents during the year. In January the Government authorized a peaceful march by the Front for Election Transparency (FRTE), a group composed of representatives of all opposition parties and formed for the purposes of the march, to protest alleged irregularities in the electoral process, including the importation of voter cards from Israel. Prominent opposition leaders and thousands of their supporters joined the march to the Ministry of the Interior (MOI) where march leaders formally delivered their platform to the Minister. However, on November 15, the Government, citing security concerns, banned a political rally called by the Front for Patriotic Alliance, a minor political party.

The Constitution provides for the right of association, and the Government generally respects this provision in practice. Citizens who wish to form associations must register with the MOI. Business-related associations register with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association are stated clearly and they do not violate the law.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

Any group—religious or other—that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally is granted, enables an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit organizations, also are exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the period covered by this report.

d. Freedom of Movement Within the Country, Foreign Travel Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this is not regularly enforced in practice.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. In late July and early August, citizens in the Kolda and Ziguinchor regions closed the border with Guinea-Bissau for several days to protest the Government's failure to provide adequate security.

Following several violent attacks perpetrated by suspected MFDC separatists from neighboring Guinea Bissau, more than 2,600 civilians from the rural communities of Tankato Escale and Sare Yoba, including women, elderly people and children, fled from their homes and sought refuge in the region of Kolda, where they received government resettlement assistance.

The law includes provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Since 1989 as a country of first asylum, Senegal has hosted Mauritanian refugees. The Government cooperates with the UNHCR and other humanitarian organizations in providing assistance for refugees. The UNHCR reported no significant protection problems for these refugees. While no formal repatriation agreement exists with the UNHCR, the two governments have cooperated to permit repatriation for several years. As a result, the UNHCR terminated its assistance programs for Mauritanian refugees at the end of 1998, although it continued to provide protection services. Mauritanian refugees generally live in dispersed locations along the length of the Senegal-Mauritania border and are allowed free movement within Senegal. However, most of these refugees are unable to obtain current refugee documents from the authorities and sometimes encounter administrative difficulties when using their expired refugee application receipts issued in 1989. Due to the lack of a formal and supervised repatriation, and in the absence of an up-to-date registration program, the exact number of remaining Mauritanian refugees is difficult to establish. The UNHCR estimates that under 30,000 remain in the country.

Several hundred Guinea-Bissauan refugees chose to remain in Senegal, living with relatives or on their own.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their Government through periodic multiparty elections, and they exercised this right during the February/March presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, which was marred only by reports of sporadic preelection violence and minor procedural irregularities. A new draft constitution, originally scheduled for a popular referendum in November, was postponed; a referendum is scheduled to take place in 2001. However, the previous Government's 1998 creation of a second legislative chamber, in which no members are directly elected by the citizenry and one-fifth of the members are appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State.

In 1998 the National Assembly passed legislation proposed by the Government to increase its membership from 120 to 140 in order to equalize the number of deputies elected by simple majority vote in the districts and by proportional representation nationwide. There are 56 legally registered parties.

Also in 1998, the National Assembly passed a bill that created a second legislative chamber, a 60-member Senate. Forty-five of its members are elected by an electoral college on the basis of dual proportional and majority systems and regional slates. The electoral college has 13,920 members consisting of elected local government officials and members of the National Assembly. The President appoints 12 members of the Senate, and the remaining 3 are elected from slates representing several associations of expatriate citizens. Most major opposition parties decided to boycott the first Senate election held in January 1999 under this electoral system because the ruling party's domination of elected local and regional offices gave opposition parties

little chance of winning Senate seats. With the exception of 2 minor party members who filled appointed seats, the Senate, inaugurated in February, was made up entirely of PS members until the March Presidential elections, after which 6 PS senators defected to the PDS.

In 1997 the Government created the National Observatory of Elections to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the May 1998 National Assembly elections and the February/March presidential election, despite persistent flaws in the system. In July the Prime Minister announced the Government's intention to transform the ONEL into a permanent independent electoral commission; however, this had not occurred by year's end.

The period prior to the March elections was marked by some violence. In February during the election campaign, suspected PDS militants in Saint Louis set fire to the office of the pro-Diouf PLS party, a spin-off of the PDS party. The incident followed a clash between activists from both parties. During the same month, opposition activists in Rufisque set fire to the house of the Socialist Party mayor following a clash between supporters of the opposition candidate Abdoulaye Wade and those of then-President Diouf.

The electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the ONEL, the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they are necessary to vote.

Elections are held by balloting that is described officially as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package of ballot papers, one for each candidate. Each citizen votes by depositing into a sealed ballot box, alone inside a closed booth, an envelope containing one of these ballots. In the same booth, a trash receptacle is provided in which the voter may privately dispose of the unused ballots; however, polling officials cannot readily ensure that this is done. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

Women are underrepresented in the political process. While there are no legal impediments to their participation in government and politics, cultural and educational factors hamper them. In addition political parties often rank women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. Only 5 of the 29 ministers in the President's Cabinet are women, and there are only 2 women in the 19-member Economic and Social Council, the Government's policymaking body. During 1999, a woman, Marieme Wane Ly, formed and headed a political party for the first time. Only 18 female deputies hold seats in the 140-member National Assembly. There are only 10 women in the 60-seat Senate. Women's lower representation reflects not only a disparity in education (see Section 5) but also cultural factors.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and receptive to their views.

In 1997 the Government enacted a law to strengthen the National Committee on Human Rights. The Committee includes members from the Government and civic organizations, including private human rights groups. It may, on its own initiative, investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In July a panel of judges dropped charges of torture and complicity in crimes against humanity that the Government brought against former Chadian President Hissen Habre (see Section 1.c.)

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, religion, sex, class, or language. However, discrimina-

tion against women is pervasive, and the Government frequently does not enforce antidiscrimination laws.

Women.—There are credible reports that violence against women, usually wife beating, is common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually do not intervene in domestic disputes, and most people are reluctant to go outside the family for redress. In contrast, the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, her age is considered an aggravating circumstance. Rape trials often result in convictions. In January 1999, the Government passed legislation amending the criminal law to make sexual harassment a crime punishable by imprisonment of up to 3 years and a fine of \$650 (500,000 CFA francs). The legislation also increased the potential fine for domestic violence to \$650 (500,000 CFA francs) and the length of imprisonment for domestic violence to 5 years. Several women's groups have formed to address this problem.

Despite constitutional protections, women face extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance are strongest, and women generally are confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice can restrict a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law is not enforced in some communities, where marriages occasionally are arranged. Under family law, women may or may not consent to polygynous unions when contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women perform much of the subsistence farming and child rearing and have limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there is still much social discrimination against women in educational opportunities. Only 23 percent of females over 15 years of age are literate, while the rate for males over age 15 is 43 percent.

It is estimated that only 20 percent of women are engaged in paid employment. Moreover, traditional practices make it difficult for women to obtain bank credit. Due to the fact that legally men are considered heads of household, women pay higher taxes than men for equal wages and employers pay child allowances to men and not women. Women usually marry young (the majority by age 16 in rural areas) and average 5.7 live births (down from 7 in 1995). About half of all women live in polygynous unions.

In urban areas, women encounter somewhat less discrimination and are active in government, political life, the legal profession, and business. About 14 percent of lawyers are women. Urban women are more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women receive equal pay for equal work.

Children.—The Ministry of Family, Social Action, and National Solidarity, established in 1990 (formerly the Ministry of Women, Children, and the Family, and renamed in 1998), is responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continues to increase the number of classrooms and encourage more children, particularly females, to enter and stay in school. The law requires that children attend school until age 12, but this is not enforced due to a shortage of schools. Organized street begging by children who are Koranic students results in a significant interruption of their education, and many children work in their family's fields (see Section 6.d.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it is performed on girls belonging to some other ethnic groups. Infibulation, the most extreme and dangerous form of FGM, is practiced by members of the Toucouleur and Peulh ethnic groups, particularly those in rural areas. Unsubstantiated recent studies estimate that between 5 and 20 percent of girls are mutilated.

In January 1999 the Government passed legislation banning FGM. The law made FGM a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a decisive step towards greater protection of women. However, a few women's rights activists criticized the new legislation because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the new law contended that these programs should have been more widespread prior to implementation of the ban.

On April 7, inhabitants of 26 villages on the Sine Saloum Islands publicly announced their decision to ban the practice of FGM in their communities. The decision was the result of an educational campaign initiated by the Government with the assistance of a number of international and domestic NGO's. Since July 1997, approximately 172 villages nationwide have banned FGM among their inhabitants.

In January 1999, the Government passed a law mandating longer jail terms of up to 10 years for convicted pedophiles.

People with Disabilities.—There are no laws that mandate accessibility for the disabled, and in practice most persons with disabilities are generally unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities that would make such participation possible.

On June 29, the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in October 1999 by the National Association of Disabled People (ANHMS) against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a physically disabled candidate who had passed a recruitment test, on the grounds that physically disabled persons are not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

National/Racial/Ethnic Minorities.—The country is ethnically diverse. The largest ethnic groups are the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language although French and Wolof are widely used as secondary languages. While general regions of origin can be identified for most ethnic groups, these regional separations are no longer distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to recent human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. This has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance is substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a., 1.c., and 1.g.). Flaws in the country's first local and regional elections, held in 1996, have reduced the effectiveness of the Government's ongoing decentralization program.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide all workers with the right of association, and they are free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally.

The International Labor Organization (ILO) continued to call on the Government to ensure that trade unions are not subject to dissolution by administrative authority and to amend the law, which accords power to the Minister of Interior to approve the formation of unions. Any group of workers in the same occupation, similar trades, or the same professions may form a union. While the Ministry does not always grant initial recognition to a union, once it gives recognition, it virtually never withdraws it. However, the Government may disband a union if its activities deviate from its charter. The Labor Code does not apply to the informal and agricultural sectors where most persons work.

Although they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million is almost totally unionized. The only union in the agrarian sector is one rep-

representing workers at a privately owned sugar company. Some farmers are organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, has close ties to the Socialist Party, and several members hold Socialist Party seats in the Assembly. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration.

The rival to the CNTS is the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS is a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers.

The Constitution and the Labor Code provide for the right to strike, but with restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute but cannot stop the strike.

There were no illegal strikes during the year.

The Labor Code permits unions to affiliate with international bodies. The CNTS is active in regional and international labor organizations and is the dominant Senegalese member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively.—The law provides unions with the right to organize and to bargain collectively, and these rights are protected in practice. There are also legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination are required to reinstate workers. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

Labor laws apply to all industrial firms including those in the Dakar industrial free trade zone.

c. Prohibition of Forced or Compulsory Labor.—There were no reports of forced or bonded labor, which is prohibited by law. The Constitution prohibits child labor of all kinds, including forced and bonded labor, and the Government enforces this ban in the formal sector. There were no reports that forced or bonded labor by children takes place in the informal or agricultural sectors.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans child labor of all kinds, and the Government enforces this ban in the formal sector, which is under the purview of the labor law. However, instead of attending school, many children work in their family's fields.

In 1998 the country began a 3-year program of action for the elimination of child labor, the International Program for the Elimination of Child Labor (IPEC), which is scheduled for completion in 2001. Under the law, the minimum age for employment is 16 years for apprenticeships and 18 years for all other types of work. In June the legislature ratified ILO Convention 132 To Eliminate the Worst Forms of Child Labor; it is scheduled to take effect in 2001. Inspectors from the MOL closely monitor and enforce minimum age restrictions within the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations. On June 1, Senegal ratified ILO Convention 182, outlawing the worst forms of child labor.

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and there is no evidence that forced or bonded child labor takes place in the informal or agricultural sectors (see Section 6.c.).

e. Acceptable Conditions of Work.—Legislation mandating a monthly minimum wage has been in force since the country's independence in 1960. The Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The minimum wage is \$0.37 (223.7 CFA francs) per hour. This wage still is not adequate to provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations are

incorporated into the Labor Code and are supervised by inspectors from the MOL. However, enforcement is uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often do not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom is exercised in circumstances of high unemployment and a slow legal system.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports from Portugal that women from Senegal were trafficked there for purposes of forced prostitution.

SEYCHELLES

President France Albert Rene and the Seychelles People's Progressive Front (SPPF) have governed since a 1977 military coup. In the 1990's, the SPPF guided the country's return to a multiparty political system, which culminated in 1993 in the country's first free and fair presidential and parliamentary elections since 1977. President Rene and the SPPF won in 1993 and again in 1998 elections, which were judged by international and national observers to have been free and fair despite the fact that President Rene and the SPPF dominated the election. In 1998 Rene was reelected president with 67 percent of the ballots cast. The SPPF won 30 of the 34 National Assembly seats, 24 by direct election and 6 by proportional representation. The President and the SPPF dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The judiciary is subject to executive interference.

The President has complete control over the security apparatus, which includes a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There is also an armed paramilitary Police Mobile Unit. Security forces on occasion were responsible for some human rights abuses.

The economy provides the country's 80,410 residents with an average per capita income of more than \$6,800 per year. The Government provides generally adequate social services. The Government in recent years has diversified the economy by increasing the revenues received from fishing rights and investing in the fish processing sector with foreign joint partners in order to move the economy away from its heavy reliance on tourism. Manufacturing now has surpassed tourism as the most important economic activity; however, no significant new investments were made during the year. Overall growth remained sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There was no progress toward privatization during the year. The country's application to join the World Trade Organization has forced it to consider reforming its trade and foreign exchange regimes; however, it has made few substantive changes to date.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene, whose party dominates the legislature, continued to wield power virtually unchecked. Security forces arbitrarily arrested and detained citizens; however, such actions were limited to detention during the weekend in order to avoid compliance with the Constitution's 24-hour "charge or release" provision. The Government failed to investigate or punish those involved in the violations of citizens' human rights during a law enforcement crackdown in 1998. The judiciary is inefficient, lacks resources, and is subject to executive influence. Violence against women increased and child abuse remained a problem. Discrimination against foreign workers also was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids torture; however, while there were no reported instances of the use of torture by the army, there was a report that police beat a man while he was in police custody in March on the island of La Digue. The family of the detainee sued the Commissioner of Police and the three police officers on duty at the time for \$4,386 (SR 25,000) in damages. Police were investigating the claim at year's end; however, no action had been taken.

The Government has failed to investigate or punish those members of the security forces who allegedly tortured suspects in custody in 1998. Several cases that were brought against the Government and the army by individuals who claimed to have been detained illegally and tortured in 1998 remained pending. In two cases, the Government accepted liability, but the question of damages remained pending. In two other cases, the Government continued to contest both its liability and its responsibility for damages. In November 1999, a citizen fled to another country and sought refugee status, claiming that members of the security forces harassed him because they believed that he maintained documentation of human rights abuses by the security forces. The citizen was granted asylum in another country in January.

Conditions at the Long Island prison, the only such facility in the country, remained Spartan. With approximately 166 inmates, the prison was considered overcrowded; approximately 32 prisoners were released during the last 3 months of the year to alleviate overcrowding. Prisoners have access to medical care. Family members were allowed monthly visits, and prisoners have access to reading but not writing materials. Men are held separately from women, and juveniles are held separately from adults. There were no reports of abuse of women or juveniles by guards or other inmates.

There is no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGO's) were allowed to visit. At least one visit was conducted during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. Defense attorneys assert that extended periods of detention under harsh conditions are used to extort confessions from suspects. In some instances, the police continued to detain individuals on a Friday or Saturday in order to allow for a longer period of detention without charge, thereby avoiding compliance with the Constitution's 24-hour "charge or release" provision. The police released such persons on a Monday before the court could rule on a writ of habeas corpus.

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withhold this right. Free counsel is provided to the indigent. Bail is available for most offenses.

Several persons have brought civil cases against the police for unlawful arrest or entry, with limited success. The military's Chief of Staff was subpoenaed in November 1998 to appear in court to answer charges of contempt of the Supreme Court concerning the continued illegal detention of a man who had been ordered released by the court. This case and several others, involving claims for damages related to illegal detention and torture, were settled out of court during the year (see Section 1.c.).

The law prohibits forced exile, and the Government does not employ it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles who returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is inefficient, lacks resources, and is subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal.

Depending on the gravity of the offense, criminal cases are heard by magistrates' court or the Supreme Court. A jury is used in cases involving murder or treason. Trials are public, and the accused is considered innocent until proven guilty. Defendants have the right to counsel, to be present at their trial, to confront witnesses, and to appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

Defendants generally have the right to a fair trial. All judges are appointed for 7 years and can be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none are citizens, with the exception of the Chief Justice, who is a naturalized citizen. The Seychelles Bar Association has criticized the Government for not advertising domestically that judicial positions are available, since 30 citizens practice law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal organs of the

Government, such as the Attorney General's Office and the Ombudsman, are reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy and freedom from arbitrary searches. The law requires a warrant for police searches, and the authorities generally respected this requirement in practice. While in 1998 soldiers reportedly forcibly entered homes, and seized and detained citizens, no such incidents were reported during the year. The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and be approved by a judge. The Government maintained telephone surveillance of some political figures.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and are at a disadvantage when applying for government licenses and loans.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech “for protecting the reputation, rights, and freedoms of private lives of persons” and “in the interest of defense, public safety, public order, public morality, or public health,” and as a result both freedom of speech and of the press are constrained by the ease with which civil lawsuits can be filed to penalize journalists for alleged libel. In February the National Assembly passed the Broadcasting and Telecommunication Bill, which allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable;” however, the bill was not used against journalists or the media during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government. In most instances, citizens speak freely, including in Parliament.

The Government has a near monopoly in the media, owning the only television and radio stations, the most important means for reaching the public, and the only daily newspaper, the Nation. The official media adhere closely to the Government's position on policy issues and give the opposition and news adverse to the Government only limited attention. While both opposition parties publish an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, is in circulation. Government officials have sued Regar for libel nine times in the last 5 years. The most recent suit, in which the Minister of Agriculture and Marine Resources sued Regar in 1999 for taking pictures of the house he was constructing, was settled out of court in October. The Minister dropped the suit in exchange for Regar's agreement not to publish the photos.

In January the Government sued Regar's editor and publisher for contempt for failing to turn over to authorities a letter published by the paper. Regar officials argued that providing officials with the letter would violate their right to keep sources confidential. The Supreme Court dismissed the charge in April; however, the Attorney General's office sought a court order to obtain a copy of the letter. In August a judge ruled that the matter would be heard in the Constitutional Court; however, by year's end, no action had been taken.

In February 1999, the National Assembly again rejected a motion presented by the leader of the opposition to reduce the license fee for a private radio or television station from \$151,200 (SR 800,000) per year to that of a newspaper publishing license, \$760 (SR 4,000) plus a bank guarantee of \$19,000 (SR 100,000). The motion was refused. The high fees were a deterrent to the establishment of private radio and television.

In November 1999, the opposition party filed suit with the Constitutional Court and claimed that the appointment of 8 civil servants and the President's wife to the 10-member board of the Seychelles Broadcasting Corporation (SBC) violated the constitutional requirement that state-owned media be managed by a body independent of the government. In August the court agreed to hear the case; however, no decision was reached by year's end.

The Internet was available in the country, and the Government permitted access to it without restriction.

Academic freedom is limited due to the fact that one cannot reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments largely are apolitical. The Government controls access to the Polytechnic, the most advanced learning institution.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly and association, and the Government respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respected this right in practice.

The Government has not demonstrated favoritism toward one religion over another in the past, but in May the opposition Seychelles National Party (SNP), which is led by an Anglican minister, claimed that the Government gave a grant of \$164,000 (SR 900,000) to the Baha'i faith in 1999, following its incorporation. According to the SNP, this grant has not been offered to other faiths that have been established recently in the country. The Government has not responded to the SNP's claim.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement, and there was no known abridgment of domestic or international travel; however, although it was not used to refuse a passport application, the 1991 Passport Act allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is "in the national interest." While the resident departure tax of \$95 (SR 500) is payable in local currency, government foreign exchange regulations and the foreign exchange shortage hinder many citizens from being able to afford foreign travel, although they might have sufficient means in local currency. According to a law in effect since May 1999, citizens cannot possess any foreign exchange unless in possession of a receipt from a licensed foreign exchange vendor. In addition banks provided only \$95 (SR 500) to a maximum \$200 (SR 1,146) to those departing the country because of the extreme foreign exchange shortage.

The law contains provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As there have been no recent refugee cases, there were no reports of government cooperation with the UNHCR; however, there are no indications that the Government would not cooperate.

There were no known requests for asylum, and there are no refugees in the country. The issue of first asylum did not arise during the year. The Immigration Act does not discuss asylum. There are no known instances of persons being forcibly deported to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised the right to change their government in the 1993 and 1998 National Assembly and presidential elections, which were judged by international and national observers to have been free and fair, despite the fact that President Rene and the SPPF dominated the elections. Suffrage is universal.

A joint Commonwealth and Francophone observer group for the 1998 elections noted that the elections took place on a more level playing field than in 1993. The group's principal criticism was that the Government adopted a program of accelerated means-testing for social benefits during the final week of the campaign and approved a number of new applications in an attempt to increase political support. The group urged an improvement in the effective separation of state and party political functions.

The President's SPPF party continued to utilize its political resources and those of the Government to develop a nationwide organization that extends to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. In 1999 the Government substantially reduced funding for political parties in the budget, from \$1.8 million (SR 9.5 million) per year to \$95,000 (SR 500,000). In this year's budget, the SPPF was allocated \$54,202 (SR 308,952), the Seychelles National Party (SNP) \$22,889 (SR 130,470), and the Democratic Party \$10,628 (SR 60,578).

In the March 1998 parliamentary elections, the SNP—then known as the United Opposition—won one directly elected seat and two proportionally elected seats, thereby becoming the leading opposition party. Former Prime Minister James Mancham's Democratic Party won only one proportional seat, and Mancham lost the role of leader of the opposition to the SNP's Wavel Ramkalawan. Ramkalawan has played effectively the role of chief government critic as leader of the opposition.

In May the National Assembly amended the Constitution to allow the President to call presidential elections separately from National Assembly elections at any time after the first year of his 5-year term in office.

There are no legal restrictions on the participation of women in politics; however, women are underrepresented in government and politics. Women hold 3 of the 12 ministerial positions and 8 of the 34 seats in the National Assembly, 6 by direct election and 2 by proportional election. There are no legal restrictions on the participation of minority groups in politics; however, they are underrepresented. All members of the Cabinet are members of the SPPF.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Two private human rights related organizations, the first of their kind in the country, were launched in December 1998. The Friends for a Democratic Society pledged to focus on raising awareness of individual rights in a democracy, but has thus far proved to be an inactive organization. In April 1999, the Center for Rights and Development (CEFRAD) published a 5-year action plan that stresses respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD also established ties with other national and international NGO's. Historically, both the churches and some NGO's have been strong voices for human rights and democratization, and the Government has not interfered with their activities. There were no known requests by international human rights groups to visit the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice there is no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or religious identification.

Women.—Violence against women, particularly wife beating, remains a problem and increased during the year. Police seldom intervene in domestic disputes, unless the dispute involves a weapon or major assault. The few cases that reach a prosecutor often are dismissed, or, if a case reaches court, the perpetrator usually is given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. As of September 30, the Probation Services recorded 100 domestic violence cases against women, an increase from the previous year. A survey of six church parishes conducted in 1999 by the Association for the Promotion of Solid Humane Families, an NGO, revealed that 25 percent of those surveyed stated that they have been victims of domestic violence, confirming the general belief that the problem is more widespread than official statistics indicate. Participants in the NGO survey stated that alcohol was one of the main causes of domestic violence. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGO's sponsored awareness campaigns and training programs for women and girls.

The society is largely matriarchal, with 75 percent of births out-of-wedlock in 1998. There were no reports of societal discrimination against unwed mothers, and fathers are required by law to support their children. The age of consent was lowered from 16 to 14 in 1993, and 13 percent of all births in 1998 occurred to women under 20 years of age. Girls are not allowed to attend school when they are pregnant, and many do not return to school after the birth of a child. There is no officially sanctioned discrimination in employment, and women are well-represented in business. Inheritance laws do not discriminate against women.

Children.—Children have legal protection from labor and physical abuse, and they are required to attend school. Free public education is available through the secondary level until age 18. Since January 1999, parents contributed up to two-thirds of the cost of postsecondary education and training based on their income for both in country and overseas schools. Children are encouraged to attend school to the tenth grade. According to government figures, all children between the ages of 6 and 16 attend school, and the enrollment of boys and girls is roughly equal. In 1995 the Government created an institutional framework for aiding children, and, in 1998, the National Assembly established an 18-member family tribunal to hear and determine all matters relating to the care, custody, access, and maintenance of children; only paternity cases remain under the courts. The tribunal became operational in November 1998 after the Minister of Employment and Social Affairs appointed the members. During the year, 2,461 cases were presented to the tribunal. Of these 95 dealt with child abuse; the tribunal started hearing child abuse cases in May.

Sexual abuse of young girls, usually in low-income families, is a serious problem. Although only 20 cases of sexual abuse were reported as of October, Ministry of Health data and press reports indicate that there are a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually are prosecuted in court. The strongest public advocate for young victims is not the Government but a semiautonomous agency, the National Council for Children. There is criticism that the police fail to investigate vigorously charges of child abuse.

There were no reports of child prostitution or child pornography.

People with Disabilities.—The Government does not discriminate against persons with disabilities in housing, jobs, or education; however, there is no legislation providing for access to public buildings, transportation, or government services.

National/Racial/Ethnic Minorities.—The education gap between Creoles and citizens of white or Asian origin continued to narrow. The Government is attempting to reduce this gap through universal access to public education. Creoles are well-integrated into society, business, and politics.

Section 6. Worker Rights

a. The Right of Association.—Under the 1993 Industrial Relations Act (IRA), workers have the right to form and join unions of their choosing. Police, military, prison, and fire-fighting personnel may not unionize. Under the act, the former government-controlled union, the National Workers Union, lost its monopoly position. Between 15 and 20 percent of the workforce is unionized.

There are two unions: One dominated by the SPPF, the Seychelles Federation of Workers Union (SFWU), and one independent, the Seychelles Workers Union (SWU). Another independent union, the Public Service Union, was disbanded in 1997 after repeated discrimination against the union's office holders, according to one independent unionist. An attempt in 1999 to organize an independent union incorporating employees from both governmental ministries and government-owned entities was thwarted by government legal action in the same year.

Workers are not permitted to strike.

Unions can affiliate freely with international bodies. While the Government did not invite the SWU to join the delegation attending the 1999 annual meeting of the International Labor Organization (ILO), the SWU participated with the SFWU in an ILO seminar held in June.

b. The Right to Organize and Bargain Collectively.—The IRA provides workers with the right to engage in collective bargaining; however, in practice free collective bargaining normally does not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There is little flexibility in setting wages. In the public sector, which employs 57 percent of the labor force, the Government sets mandatory wage scales for employees. Wages in the private sector generally are set by the employer in individual agreements with the employee, but in the few larger businesses, wage scales are subject to the Government's right of review and approval. Private employers historically have paid higher wages than the Government in order to attract qualified workers. However, economic problems during the year led to continued downward pressures on wages.

The 1987 and 1995 Employment Acts constitute the basic labor law. They authorize the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the ministry.

While the law prohibits antiunion discrimination by employers against union members, there was widespread discrimination against the members of the independent public sector union, the Public Service Union, before it was disbanded in 1997.

There are 20 companies that participate in an export processing zone known as the Seychelles International Zone (SITZ). The SITZ is bound only by the Seychelles Trade Zone Act and is not obliged to adhere to property, tax, business, immigration, and labor laws, including the Employment Act. In 1999 one of the companies based in the SITZ, Indian Ocean Tuna (IOT), discharged workers who had come from Madagascar. IOT claimed that the workers were engaging in prostitution, and they were returned to Madagascar. The workers alleged that they were being mistreated and were not receiving their salaries.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and it is not known to exist. Following its ratification of ILO Convention 182 on the worst forms of child labor, the Government considered forced or bonded labor by children to be illegal. There have been no reports of forced or bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—Article 31 of the Constitution states that the minimum age for employment is 15, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education." It is a criminal offense punishable by a fine of \$1,130 (SR 6,000) to employ a child under the age of 15.

Children are encouraged to attend school until the 10th grade. The National Youth Service was disbanded in January 1999 and replaced with a noncompulsory fifth year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, abroad for university studies, or

to apprenticeship or short-term work programs. Children in the latter program receive a training stipend, which is below the minimum wage. The Government enforces child labor laws through inspections by the Ministry of Employment and Social Affairs.

On September 28, the Government ratified ILO Convention 182 on the worst forms of child labor. The Ministry of Employment and Social Services was responsible for investigating abuses of child labor. The Ministry reported that it handled such complaints within its general budget and staffing; however, at year's end, there was no information on the number of cases investigated.

Following ratification of ILO Convention 182, the Government prohibited forced and bonded labor by children, and such practices are not known to occur.

e. Acceptable Conditions of Work.—The complicated minimum wage scale is regulated administratively by the Government; it covers the public and state-owned sectors and differentiates among various job classifications. The Ministry of Employment and Social Affairs enforces minimum wage regulations. The official minimum wage is \$360 (SR 1,900) per month. Trade unions contend that government entities pay some workers less than the legal minimum wage. Even with the free public services that are available, primarily health care and education, independent labor unions dispute that a single salary at the low end of the pay scale provides a worker and family with a minimum decent standard of living.

In recent years, there has been a growing trend in government policy to admit foreign workers, primarily from China, India, the Philippines, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens choose to work in these sectors. Although it is difficult to determine the living and working conditions of these workers, there is evidence that the labor laws are flouted routinely with the Government's knowledge and acquiescence. These workers are paid lower wages and forced to work longer hours than citizens.

In March about 100 Indian construction workers stopped working to protest their inability to send their earnings home to their families. Most of the workers were employed by a government-affiliated construction company, which reportedly agreed to permit the workers to repatriate most of their earnings; however, the workers claimed that they were allowed to repatriate less than a third of their salaries and only if they worked 7 days a week. In April half of the workers returned to India after authorities informed them that their contracts had expired. The remaining workers also returned to India in April when it became clear that their demands would not be met.

The legal maximum workweek varies from 45 to 52 hours, depending on the economic sector, while government employees work shorter hours. Each full-time worker is entitled to a half-hour break per day and a minimum of 21 days of paid annual leave. Workers are permitted to work overtime up to 60 additional hours per month. The Government generally enforces these regulations. Foreign workers do not enjoy the same legal protections.

The Government issued comprehensive occupational health and safety regulations in 1991. The Ministry of Employment and Social Affairs has formal responsibility for enforcing these regulations; however, the Ministry of Health seeks a role in this area. An ILO team, which visited in early 1995, found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts. Occupational injuries are most common in the construction, marine, and port industries. A worker who removes himself from a potentially dangerous situation on the job is considered to have resigned. Safety and health inspectors rarely visit job sites. Two work-related deaths were reported officially during the year.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, through, or within the country.

SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature; however, due to continuing civil conflict, the democratically elected government did not control the whole country effectively at any time during the year. This situation continued despite a cease-fire that went into effect on May 24, 1999, and the July 7, 1999 signing of a peace accord by the Government and insurgents led by the Revolutionary United Front (RUF), who have fought successive governments since 1991. The President's party, the Sierra Leone People's Party, has held a majority in the Parliament since the 1996 elections. In May 1997, a group of army officers, which called itself the Armed Forces Revolutionary Council

(AFRC), overthrew the elected government in a coup, driving it into exile in Guinea. The AFRC then invited the RUF to join the junta. The RUF/AFRC junta then was driven out of Freetown by forces of the Economic Organization of West African States (ECOWAS) Monitoring Group (ECOMOG), composed mainly of units from the armed forces of Nigeria, in February 1998. The Government was restored to power in March 1998, but fighting between government and rebels continued. Government-insurgent fighting, albeit on a significantly reduced scale, continued after the July 1999 Lome Accord, which included the RUF in a power-sharing arrangement in the Government. Following the signing of the Lome Agreement, many RUF leaders and fighters moved into Freetown.

In 1999 the U.N. Security Council approved a peacekeeping operation, the U.N. Mission in Sierra Leone (UNAMSIL), and approved strength increases several times during the year. ECOMOG completely withdrew its forces from the country in April. During the year, there were several armed clashes between government forces and rebel forces, including the RUF. In the first half of the year, tensions rose between the Government and the RUF, and in a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents and at other times during the year. In May RUF leader Foday Sankoh was arrested after demonstrators were killed outside of his residence, and he remained in government custody at year's end. In November the Government and the RUF signed the Abuja Agreement, which included a 30-day cease-fire that largely still was being observed at year's end; however, the RUF did not respect other terms agreed to in the Abuja Agreement, including disarming and allowing peacekeepers into the part of the country under their control. At year's end, the RUF still controlled almost two-thirds of the country. The disarmament, demobilization, and reintegration program called for in the Lome Accord includes provisions to protect the human rights of the former combatants. Prior to May, nearly 25,000 ex-combatants of an estimated 45,000 had disarmed and entered the demobilization process. With the de facto withdrawal by the RUF from observance of the Lome Accord in May, many of the demobilized combatants rearmed and rejoined either the RUF or the West Side Boys, a splinter group of the ex-SLA. The officially independent judiciary functioned only in part of the country but demonstrated substantial independence in practice.

Among the Government's security forces, the police officially had primary responsibility for internal order; however, due to the continuing insurgency, the Sierra Leone Army (SLA), the Civil Defense Forces (CDF), and ECOMOG shared de facto responsibility with the police in security matters until the April withdrawal of ECOMOG troops from the country when UNAMSIL assumed responsibility. The CDF were traditional hunting societies loyal to paramount chiefs—traditional leaders with administrative and judicial powers—which formed into independent militias under a national structure. The Armed Forces Revolutionary Council (AFRC), which staged a 1997 military coup, no longer exists. During the year, SLA units were reorganized and began undergoing a training program provided with the assistance of a foreign government; the program was ongoing at year's end. While government, ECOMOG, and UNAMSIL forces committed serious human rights abuses, the incidences of abuses were significantly less than during the previous year.

Sierra Leone is an extremely poor country, with a market-based economy and a per capita income of less than \$150 per year. Only an estimated 15 percent of adults are literate. Although the country is rich in natural resources and minerals (particularly diamonds, gold, rutile, and bauxite) and has large areas of fertile land suitable for farming, the 9-year insurgency brought mineral extraction and agricultural production almost to a standstill, except for illicit diamond mining. There is little manufacturing, and there are few exports; approximately 70 percent of the Government's budget comes from foreign assistance. Years of fighting, corruption, and mismanagement have resulted in a crumbling infrastructure.

The Government's human rights record was poor in several areas; while there were significant improvements in some areas, serious problems remained. Poorly trained or poorly led members of government forces and international forces committed most serious abuses. There were reports that government and ECOMOG forces operating in support of the Government committed extrajudicial killings and reportedly summarily executed suspected rebels and their collaborators. Government, ECOMOG, and UNAMSIL forces at times beat noncombatants; however, there were fewer reports of human rights violations involving the SLA in the latter half of the year due to training and reorganization. Prison and jail conditions remained harsh and sometimes life threatening. Government and ECOMOG forces continued to occasionally arrest and detain persons arbitrarily. Prolonged detention and long delays in trials, due to the inability of the judicial system to function in some parts of the country and during some parts of the year, remained problems.

Government security forces on a few occasions harassed, arrested, and beat some journalists and used libel laws against journalists; however, the Government took significant steps to end the restrictions on press freedom from the previous year. Violence and discrimination against women and prostitution remained problems. CDF units continued to induct child soldiers. Female genital mutilation continued to be a widespread practice. Discrimination against ethnic minorities persists. There was some forced labor in rural areas. Child labor persists.

During the year, an ex-SLA splinter group called the West Side Boys and RUF rebels committed numerous serious abuses, including killings, abductions, deliberate mutilations, and rape. Rebel forces abducted civilians, missionaries, aid workers from nongovernmental agencies, and U.N. personnel; ambushed humanitarian relief convoys; raided refugee sites; and extorted and stole food. The RUF forces continued the longstanding practice of abducting villagers (including women and children) and using them as forced laborers, child soldiers, and sex slaves. Rebel atrocities prompted the internal displacement of hundreds of thousands of civilians over the past several years; however, such displacement was reduced significantly during the year. As many as half a million persons fled in past years to neighboring countries to escape the civil conflict and remained outside the country on their own or in refugee camps, primarily in Guinea and Liberia.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were reports that both government forces and ECOMOG forces operating in support of the Government committed extrajudicial killings. There were reports in the first half of the year that both SLA and CDF forces summarily executed suspected rebels and rebel collaborators; however, because of the insecurity in most of the country, it was difficult to gather detailed information on abuses or to corroborate reports. There also were reports in the first quarter of the year that ECOMOG soldiers summarily executed suspected rebels. There were no reports of extrajudicial killings after July by the newly trained and reorganized SLA units or CDF forces.

There is credible evidence that on several occasions throughout the year a government helicopter gunship fired on possible RUF positions within urban areas, including one market area, causing many civilian deaths (see Sections 1.g. and 2.d.). For example, there were reports that on July 9, the SLA attacked suspected rebel positions in Bunumbu with a gunship and killed a number of civilians, along with several RUF rebels. In attacks in May and June, there were reports that a gunship killed 27 persons and wounded 50 persons in the towns of Makeni, Magburaka, and Kambia.

On July 17, there was an unconfirmed report that CDF soldiers executed a RUF fighter who allegedly had been trying to surrender.

There were reports that ECOMOG soldiers committed human rights abuses, including killings, during the first quarter of the year. In January an ECOMOG soldier reportedly stabbed a civilian in a market without provocation; the man later died from his injuries. On April 28, ECOMOG personnel shot and killed one exSLA soldier and wounded another during an argument over a stolen vehicle; a riot ensued, and several persons were injured.

There were credible reports that the RUF and ex-SLA rebels committed a substantial number of summary executions of civilians in rebelheld areas throughout the country. However, because of the insecurity, access to rebel areas has been difficult, and in most cases the identities of the victims were difficult to establish. There were credible reports of persons being tortured or killed for attempting to flee RUF-occupied areas (see Section 2.d.).

On May 8, RUF rebels shot and killed at least 20 demonstrators outside of Foday Sankoh's residence in Freetown, including a journalist, and injured at least 80 others (see Sections 2.a. and 2.b.).

In a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents and at other times during the year.

On May 25, RUF rebels shot and killed two journalists, Kurt Schork of Reuters and Miguel Gil Moreno of Associated Press Television Network and injured two others during an attack on a SLA patrol. There were reports that on June 15, rebels attacked Port Loko; reportedly there were 15 casualties, and 10 rebels were captured. In August there were unconfirmed reports that suspected RUF rebels killed 9 civilians and abducted 15 others in an attack on the village of Folloh.

Some victims of rebel kidnap attempts also were killed (see Section 1.b.).

There were unconfirmed reports that RUF rebels also summarily executed other RUF rebels. For example, on February 4, RUF rebels stopped UNAMSIL vehicles and relieved the soldiers of their weapons. There were unconfirmed reports that the rebels may have been executed by other RUF rebels for disobeying orders not to interfere with UNAMSIL vehicles.

Over the course of the decade-long conflict, rebel mutilations caused hundreds if not thousands of deaths; however, there were fewer reports of mutilations during the year.

At the beginning of November, the Guinean army bombed several villages in the northern part of the country in a bombing campaign against rebels from Sierra Leone and Liberia. In December Guinean troops attacked Rosint village in the northern part of the country, killed several civilians, abducted over 50 persons, and burned over 30 houses.

b. Disappearance.—The RUF and West Side Boys continued to detain illegally individuals as part of a wide-scale harassment and terror campaign against the civilian population in certain areas of the country where they operated. Ex-SLA and RUF forces also continued the longstanding practice of kidnaping children, women, and men and compelling them to work as slave labor (see Sections 5, 6.c., and 6.f.). Women also were forced to act as sexual slaves. Unlike in the previous year, there were no confirmed reports that rebels kidnaped persons to use them as shields to prevent government attacks. The United Nations estimates that rebel forces abducted some 20,000 persons throughout the country during the 1991-1999 period. Only about 1,400 of them have been released and have gone through a formal reintegration process; most of those released were children. Many others have escaped, but the U.N. believes that many of those abducted still remain prisoners despite the Lome Accord's directive that all captives and prisoners of war be released.

On January 18, RUF rebels abducted a group of four aid workers from CARITAS and their driver, held them for several hours, and accused them of being spies. On January 31, armed rebels detained some UNAMSIL soldiers for several hours and relieved them of their weapons. There were reports that in February rebels attacked a bus near Masiaka and abducted 11 persons. On March 7, RUF rebels abducted five humanitarian workers but released them the following day.

In a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents. By August 1, all of the peacekeepers had been rescued or released.

On July 24, West Side Boys rebels reportedly abducted 18 passengers during a bus attack. At the end of July, the West Side Boys attacked a group of foreign workers and detained one person. On August 25, the West Side Boys abducted 11 foreign soldiers and 1 SLA officer. Five soldiers were released several days later; the remaining hostages were rescued during a mission that resulted in the death of a British paratrooper, injuries to 11 foreign soldiers, the deaths of 25 rebels, and the capture of 18 other rebels. In August there were unconfirmed reports that suspected RUF rebels killed 9 civilians and abducted 15 others in an attack on the village of Folloh.

There were reports that at the beginning of June, pro-government militiamen released approximately 140 children, many of whom were ex-soldiers, to the U.N. Children's Fund.

According to the U.N. Children's Fund, as of December approximately 4,000 children registered as missing during the war had yet to be located. Rebels released a number of child soldiers during the year. For example, in January ex-SLA rebels released approximately 150 children.

In addition to demanding ransom payments for civilians they abducted, in past years, rebel forces targeted Roman Catholic priests and nuns, largely on the assumption that the Church would pay ransom for their return and because troops from ECOMOG used their missionary radio network in support of the Government (see Section 2.c.).

There were reports that Guinean troops abducted persons from Sierra Leone after attacks by RUF and Guinean dissidents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there were credible reports that government entities, including the SLA, the CDF, and ECOMOG forces occasionally tortured, beat, and otherwise abused noncombatants suspected of being rebels. According to human rights observers, the conduct of the SLA improved during the second half of the year after training and reorganization.

There were reports that attacks during the year by a government helicopter gunship on possible RUF positions in urban areas caused civilian and rebel injuries and deaths (see Section 1.a.). For example, there were reports that in attacks in

May and June, a gunship killed 27 persons and wounded 50 persons in the towns of Makeni, Magburaka, and Kambia.

Reports of abuses by the CDF continued to rise throughout the year. There was an increase in the number of rapes committed by CDF forces, which in past years reportedly had not engaged in rape. For example, in July some CDF members raped three women that they accused of transporting goods to rebel-held areas. There were reports that on October 10, four CDF members beat and detained a journalist and released him after 2 days (see Section 2.a.).

There were reports that CDF forces manned roadblocks and bridges and routinely extorted large sums of money from travelers. Drivers often were subjected to abuse, including beatings, when they were unable to pay. For example, Human Rights Watch (HRW) reported that on August 15, CDF forces severely beat two truck drivers and detained one of them for several hours because they could not produce the requested bribe.

On April 28, ECOMOG personnel killed one exSLA soldier and wounded another during an argument over a stolen vehicle; a riot ensued, and several persons were injured (see Section 1.a.).

There were reports that UNAMSIL soldiers committed human rights abuses against suspected rebels in May. An investigation was ordered by UNAMSIL; however, no further information was available by year's end.

On May 17, British paratroopers reportedly injured at least one civilian during a confrontation with RUF rebels at Lungi Lo.

On February 4, ex-SLA rebels allegedly became angry after not receiving the payment promised to them for disarming and began throwing stones at vehicles. The rebels robbed several passengers and pulled at least one person from a vehicle and beat him.

RUF and ex-SLA combatants such as the West Side Boys also committed numerous abuses against civilians during the year. On February 24, foreign observers visited 15 RUF combatants who were being held by their RUF colleagues for having tried to join the disarmament process and who were severely beaten. On March 8, rebels abducted Aaron Kargbo and Aruna Sherrif, both Adventist Development and Relief Agency staff members, and left them in critical condition on the side of a road. In a series of separate incidents in a 10-day period from late April to early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels. Some peacekeepers were killed in these incidents. On May 8, RUF rebels injured at least 80 demonstrators outside of Foday Sankoh's residence in Freetown and killed at least 20 others (see Sections 2.a. and 2.b.). On July 24, the West Side Boys attacked a bus, injuring three passengers.

RUF forces and ex-SLA combatants such as the West Side Boys continued to use rape as a terror tactic against women. There were many credible reports of gang rapes and that groups of women were raped.

During the year, although there were fewer reports of deliberate mutilation, including the chopping off of hands, arms, ears, and legs; attempted and successful decapitations; and severe cuts with machetes by the RUF, there was no indication that the practice was discontinued completely. U.N. officials and humanitarian organizations estimated that hundreds if not thousands of individuals, including children, had one or both limbs amputated over the decade-long conflict. During the overall course of the conflict, it has been estimated that for every one of those wounded who eventually succeeded in securing medical aid, at least three or four died en route from their wounds, shock, the hazards of the journey, or from lack of adequate medical assistance. There were credible reports that the RUF continued the practice of carving the initials "RUF" into the skin of civilians it abducted.

There were reports of injuries sustained in RUF-held areas that were attributed to landmines; however, observers believe that they were caused by unexploded ordnances.

On October 7, there were reports that relatives of the Minister of Transport and Communication beat a journalist, Mustapha Bai Attila (see Section 2.a.). No police or judicial action was taken against the individuals.

Prison and police lockup facilities conditions generally are harsh; at best they are Spartan, and at worst life threatening. The Pademba Road maximum security prison, which was designed for 325 prisoners, routinely houses hundreds more. Diet and medical care were inadequate, and only a handful of toilets were available for use. Male and female quarters were separate. Adults and juveniles were incarcerated together; however, there were no reports of the abuse of juveniles in prison. Convicted felons, those in the middle of the judicial process, and those who had not yet been charged formally also were incarcerated together. Other prison facilities were equally rudimentary, and conditions in the holding cells in police offices were extremely poor.

The Government generally has permitted prison visits; however, the Government did not allow the International Committee for the Red Cross (ICRC), U.N. human rights officials, and other observers to visit the prisons, assess conditions, and see inmates between May and August. UNAMSIL human rights officials were permitted to visit Pademba Road Prison in August; during their visit they found 30 minors, 13 of whom were suspected RUF child combatants, incarcerated with adults. The ICRC declined to visit Pademba Road Prison because the Government would not accept ICRC conditions, including private visits with prisoners.

d. Arbitrary Arrest, Detention or Exile.—Government and ECOMOG forces continued at times to arrest and detain persons arbitrarily. Although the Constitution and the law provide for a speedy trial, in practice the lack of judicial officers and facilities often produced long delays in the judicial process. Due to the civil conflict, the judicial system did not function in some parts of the country at any time during the year and functioned in other parts of the country only during part of the year. Many criminal suspects were held for months before their cases were examined or formal charges were filed.

In May officers from the Criminal Investigation Department arrested editor Abdul Kouyateh for endangering state security by requesting an interview with Foday Sankoh; he was released on October 11 (see Section 2.a.).

The CDF, which does not have arrest and detention authorities, in particular was criticized for having arrested and detained prisoners. On August 15, HRW reported that ECOMOG soldiers were holding prisoners in the bush who were part of the

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The kidnaping and forced conscription of children into rebel forces were serious problems (see Sections 1.b., 5, 6.c., and 6.f.). For years rebels have kidnaped young boys and girls to augment their forces and at times forced them to abduct other children. Frequently commanders also had boys act as bodyguards. The RUF utilized "Small Boy Units" (SBU's) and "Small Girl Units" (SGU's), which served in combat.

There were reports that Guinean troops destroyed private property and burned homes (see Section 1.a.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—There were reports that Government, UNAMSIL, and ECOMOG troops, which continued to perform a peacekeeping role in the country until April, committed some human rights abuses against RUF collaborators and suspected rebels. There were reports that a government helicopter gunship reportedly fired on possible RUF positions within urban areas, causing rebel and civilian casualties and contributing to the displacement of some of the population from RUF-held areas (see Section 1.a.).

The CDF continued to accept, train, and induct children into its ranks despite having pledged in June 1999 to stop the practice.

RUF rebel forces and West Side Boys routinely committed numerous serious abuses, and sought to coerce, intimidate, and terrorize those who either refused to cooperate with them or supported the Government. While these abuses continued during the year, reports were significantly lower than in previous years. In large parts of the country outside the effective control of the Government, these groups kidnaped children and women to work for them and men to carry equipment; raped women as a means of punishment and to inspire fear and cooperation; and forcibly inducted children into their ranks under penalty of their own mutilation or death (see Sections 1.c., 1.f., and 5). They forced individuals to commit atrocities under penalty of their own mutilation or death; harassed peacekeepers; and seized peacekeepers' weapons. The RUF continued its practice of amputations and mutilations, although at a greatly reduced rate from the past year (see Section 1.c.). There were reports of injuries from unexploded ordnances laid by RUF rebels (see Section 1.c.).

Relief organizations suspended activities in parts of the country at several times during the year due to increased fighting and the obstruction of access by rebels. For example, in early March, Medecins Sans Frontieres (MSF) suspended activities in parts of the country due to the hostage taking by rebels and other instances of looting, threats, detention of staff, and extortion (see Sections 1.b., 1.c., 1.d., and 1.f.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, Government security forces on a few occasions harassed, arrested, and beat some journalists and used libel laws against journalists. The Government took some steps to end the restrictions of the previous year. The written press and radio reported freely on security matters, corruption, and political affairs generally without interference.

On February 16, authorities arrested the managing editor of Rolyc Newspaper, Ayodele Lukobi Johnson, and reporter Ayodele Walters charged them with "sedition, libel, and publishing false news" after they published a negative article about President Kabbah. In May officers from the Criminal Investigation Department arrested Abdul Kouyateh, the acting editor of the private Freetown weekly Wisdom Newspaper, for endangering state security by requesting an interview with Foday Sankoh. He was released on October 11.

On October 7, relatives of the Minister of Transport and Communication beat Mustapha Bai Attila, a blind reporter from the radio station Voice of the Handicapped, who on several occasions had exposed corruption at the parastatal company Sierratel.

Joseph Mboka, a journalist who was detained in May 1999, was released after 2 weeks. Emmanuel Sanossi, a journalist from Cameroon who was detained in August 1999, was released after several weeks.

On October 10, four CDF members beat and detained a journalist for the Standard Times newspaper after he published an article about the SLA and the Kamajors, one of the ethnic groups in the CDF. He was released 2 days later.

Over 50 newspapers were published in Freetown alone, covering a wide spectrum of interests. Most of the newspapers were independent of the Government, and several were associated with opposition political parties. The number of newspapers fluctuated weekly; many contained sensational, undocumented stories and repeated items carried by other newspapers. Newspapers openly and routinely criticized the Government and its officials, as well as the rebel forces.

Due to low levels of literacy and the relatively high cost of newspapers and television, radio remained the most important medium of public information. Several government and private radio and television stations broadcast; both featured domestic news coverage and political commentary.

The parastatal Sierratel communications company provided Internet access in Freetown, although the condition of its telephone lines often made Internet connectivity problematic.

On May 8, a local journalist was killed by RUF rebel gunfire during a demonstration outside of Foday Sankoh's residence. At least one other journalist was injured and another threatened during the incident (see Sections 1.a. and 2.b.). On May 25, rebels shot and killed two journalists and wounded two others during an attack on a SLA patrol (see Section 1.a.).

The Government generally respected academic freedom. All institutions of higher learning were open during most of the year; however, infrastructure destroyed during the conflict has not yet been restored fully.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. While in general the Government did not deny requests to use public areas for meetings or demonstrations, many of which took place throughout the year, the Government did not allow RUF meetings and rallies because of the declared State of Emergency, which was enacted in February 1998 following the ousting of the AFRC and was renewed in August 1999.

On May 8, 8,000 to 9,000 persons, including doctors, lawyers, teachers, petty traders, union leaders, and others marched through Freetown and demonstrated outside Foday Sankoh's residence in Freetown to protest the behavior of the RUF, the detention of hundreds of U.N. peacekeeping troops, and Foday Sankoh. Peacekeepers fired into the air but were unable to keep the demonstrators from continuing toward Sankoh's house. RUF members opened fire on the demonstrators, killing at least 20 persons and injuring at least 80 others.

The Constitution provides for freedom of association, and the Government respected this right in practice. There were numerous civic, philanthropic, and social organizations, and the registration system was routine and apparently nonpolitical. No known restrictions were applied to the formation or organization of the 18 opposition political parties and 60 registered civic action nongovernmental organizations (see Section 4).

c. *Freedom of Religion.*—The constitution provides for freedom of religion, and the Government respected this right in practice.

In the past, rebel forces have attacked both churches and mosques and targeted Christian and Muslim religious leaders. In addition to demanding ransom payments for civilians they abducted, in the past, rebel forces have targeted Roman Catholic priests and nuns, largely on the assumption that the Church would pay ransom for their return and because troops from ECOMOG used their missionary radio network in support of the Government. On March 8, rebels abducted Aaron Kargbo and Aruna Sherrif, both Adventist Development and Relief Agency staff members and left them in critical condition on the side of a road. On July 21, rebels from the West Side Boys abducted 4 church workers allegedly because they feared an attack by the Government and released them after 10 days. On September 7, RUF insurgents abducted two missionary priests, Father Victor Mosele and Father Franco Manganello, in Pamalap, Guinea, and brought them to Sierra Leone. The priests were not mistreated and were allowed some freedom of movement; they later escaped.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation*

The Constitution provides for these rights, and the Government generally respected them in practice; however, according to occasional reports, government troops manning roadblocks attempted to extort food or money from travelers (see Section 1.c.). Citizens were required to get a police clearance within 72 hours before international travel, but such clearances were issued nonrestrictively; the Government did not attempt to limit citizens' departure or return for political or discriminatory reasons.

RUF rebels and West Side Boys also manned roadblocks to extort money and goods from travelers.

More than an estimated 1 million citizens—almost one-quarter of the population—still either are displaced internally or have fled the country to escape the continuing insurgency. Reported attacks by a government helicopter gunship on possible RUF positions within urban areas contributed to the exodus of the population from RUF-held areas (see Sections 1.a., 1.c., and 1.g.). More than 500,000 persons remain in refugee camps in Guinea and Liberia; others remain in The Gambia, Cote

D'Ivoire, Ghana, and other African nations, while still others are in countries outside of Africa.

There were reports that due to the exodus of a large number of persons from RUF-occupied areas, the RUF attempted to terrorize the remaining population to prevent them from leaving. There are credible reports of persons being tortured or killed for attempting to flee (see Section 1.a.).

At year's end, thousands of Sierra Leoneans returned to the country from Guinea because of attacks and ill treatment by RUF forces and Guinean forces. Some of these internally displaced persons (IDP's) were housed in camps, but many live in Freetown. The large influx of IDP's and the lack of resources caused tension between local residents and the returning IDP's. In one instance in November, a fight broke out between the IDP's and local residents at an IDP camp in Bo. At least 13 persons were injured seriously.

There is no formal process for granting political asylum or refugee status. The Government cooperated with the U.N. High Commissioner for Refugees and other organizations on repatriation matters and continued to provide first asylum to over 5,000 Liberians who fled to Sierra Leone because of conflict in their home country in earlier years. There were no reports of the forced return of persons to countries where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides for the right of citizens to change their government, and the 1996 elections won by Ahmed Tejan Kabbah and his Sierra Leone People's Party were the first free and fair multiparty elections in the country in 30 years. Several political parties were represented in the unicameral legislature and in the cabinet. Locally elected councils and a traditional chieftancy system control local government. Preparations for local elections, which were to have taken place in 1999, were postponed in accordance with the 1991 Constitution because of continued fighting. The July 1999 Lome Accords included the RUF in a power-sharing arrangement in the Government, and in July 1999, the Parliament ratified a bill allowing the RUF to transform itself into a political party. Foday Sankoh, the RUF leader, was offered and accepted the chairmanship of the Commission for the Management of Strategic Resources, National Reconstruction and Development with the status of vice president. In November 1999, the Revolutionary United Front Party (RUF) received a provisional registration certificate from the interim National Election Commission. In May the RUF broke away from its agreements under the Lome Accord, returned to insurgency, and ceased to interact in a political capacity.

Women are underrepresented in government and politics. There are relatively few women in senior government positions: Only 2 of the 18 cabinet positions were filled by women, and of the 80 members of the unicameral legislature, only 7 were female.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, due to insecurity caused by the rebel insurgency, the activities of human rights monitors were limited to government-held areas. Representatives of various local and international NGO's, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during most of the year; however, between May and August the Government did not allow the ICRC, U.N. human rights officials, or other observers to visit prisons to assess conditions or meet with inmates (see Section 1.c.). The ICRC declined to visit Pademba Road Prison because the Government would not accept ICRC conditions, including private visits with prisoners.

On February 22, Parliament approved the Truth and Reconciliation Commission (TRC) Bill which would create a TRC to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war; however, the Commission had not been established by year's end.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination against women and provides for protection against discrimination on the basis of race and ethnicity, except for the long-time prohibition against citizenship for persons with a non-African father. This provision effectively blocks citizenship for much of the sizable Lebanese community and for other persons with non-African fathers.

Women.—Violence against women, especially wife beating, is common. The police are unlikely to intervene in domestic disputes except in cases involving severe injury or death. Domestic violence is not recognized as a societal problem; however, rape is recognized as a societal problem and is punishable by up to 14 years' imprisonment. There is a significant amount of prostitution: Many women, especially those displaced from their homes and with few resources, resort to prostitution as a means to secure income for themselves and their children. Rebel forces used rape as a terror tactic (see Sections 1.c. and 1.g.) and forced women and girls to act as sexual slaves (see Sections 1.b., 6.c., and 6.f.). There are almost no medical or psychological services for women who were raped after they were abducted.

The Constitution provides for equal rights for women; however, in practice women face both legal and societal discrimination. In particular their rights and status under traditional law vary significantly depending upon the ethnic group to which they belong. The Temne and Limba tribes of the north afford greater rights to women to inherit property than does the Mende tribe, which gives preference to male heirs and unmarried daughters. However, in the Temne tribe, women cannot become paramount chiefs. In the south, the Mende tribe has a number of female paramount chiefs. Women are nevertheless very active in civic organizations and NGO's, were instrumental in pressuring the previous government to allow free and fair multiparty elections in 1996, and were vocal representatives of civil society during the peace talks in Lome in 1999.

Women do not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women perform much of the subsistence farming and have little opportunity for formal education. Women are very active in civic and philanthropic organizations, and a significant number are employed as civil servants.

Children.—Although the Government is committed to improving children's education and welfare, it lacks the means to provide basic education and health services for them. The law requires school attendance through primary school; however, schools, clinics, and hospitals throughout the country were looted and destroyed during the 9-year insurgency, and most have not been rebuilt. A large number of children receive little or no formal education. Schools are financed largely by formal and informal fees, but many families cannot afford to pay them. The average educational level for girls is markedly below that of boys, and only 6 percent of women are literate. At the university level, male students predominate. The Ministry of Social Welfare, Gender, and Children's Affairs has primary responsibility for children's issues.

Up to an estimated 5,000 child soldiers at a time served alongside adults on both sides during the civil conflict, but in greater numbers on the RUF side; some observers place the number at almost double that figure. The recruitment of children for military service by the CDF remained a problem, and there is credible evidence that the CDF forces continued to accept children as volunteer soldiers.

The kidnaping and forced conscription of children into rebel forces were serious problems (see Sections 1.b., 1.f., 6.c., and 6.f.). For years rebels kidnaped young boys and girls to augment their forces and to abduct other children. Girls are forced to perform as sexual slaves (see Sections 5, 6.c., and 6.f.). In some cases rebel forces have forced these children to commit atrocities involving family members. However, even children who escape and wish to leave the ranks sometimes are rejected by their families and communities because of their perceived involvement in rebel activities.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is widely practiced among all levels of society, although with varying frequency. The less severe form of excision is practiced. Some estimates, including by UNICEF, of the percentage of women and girls who undergo the practice range as high as 80 to 90 percent; however, local groups believe that this figure is overstated. FGM is practiced on girls as young as 5 years old. No law prohibits FGM. A number of NGO's are working to inform the public about the harmful health effects of FGM and to eradicate it; however, an active resistance by secret societies countered the wellpublicized international efforts against FGM.

People with Disabilities.—Public facility access and discrimination against the disabled are not considered to be public policy issues. No laws mandate accessibility to buildings or provide for other assistance for the disabled. Although a few private agencies and organizations attempted to train the disabled in useful work, there was no government policy or program directed particularly at the disabled. There does not appear to be outright discrimination against the disabled in housing or education. However, given the high rate of general unemployment, work opportunities for the disabled are few.

Some of the many individuals who were maimed in the fighting, or had their limbs amputated by rebel forces, are receiving special assistance from various local and international humanitarian organizations. Such programs involve reconstructive surgery, prostheses, and vocational training to help them acquire new work skills. The Lome Accord also called for the creation of a special fund to implement a program for rehabilitation of war victims, although the fund had not yet been established by year's end. Attention to amputees increased the access of others with disabilities to health care and treatment.

National/Ethnic/Racial Minorities

The country's population is ethnically diverse and consists of at least 13 ethnic groups. These groups generally all speak distinct primary languages and are concentrated outside urban areas. However, all ethnic groups use Krio as a second language, little ethnic segregation is apparent in urban areas, and interethnic marriage is common. The two largest ethnic groups are the Temne in the northern part of the country and the Mende in the southern part; each of these groups is estimated to make up about 30 percent of the population.

Ethnic loyalty remained an important factor in government, the armed forces, and business. Complaints of corruption within ethnic groups and ethnic discrimination in government appointments, contracts, military commissions, and promotions were common. There did not appear to be a strong correspondence between ethnic or regional and political cleavages. Ethnic differences also did not appear to contribute appreciably to the RUF rebellion, the 1997 coup, or the civil conflict. No ethnic or regional base of voluntary popular support for the rebels was identifiable, and they controlled territory by terror and coercion rather than by popular consent.

Residents of non-African descent face institutionalized political restrictions. The Constitution restricts citizenship to persons of patrilineal Negro-African descent. This constitutional restriction effectively denies citizenship to many long-term residents, notably the Lebanese community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and in practice workers had the right to join independent trade unions of their choice. About 60 percent of the workers in urban areas, including government workers, are unionized, but attempts to organize agricultural workers and mineworkers have met with little success. All labor unions by custom join the Sierra Leone Labor Congress (SLLC), but such membership is voluntary. Police and members of the armed services are prohibited from joining unions. There are no reliable statistics on union membership, but the membership numbers have declined as a percentage of all workers because of the virtual collapse of the small manufacturing sector.

The Trade Union Act provides that any five persons may form a trade union by applying to the registrar of trade unions, who has statutory powers under the act to approve the creation of trade unions. The registrar may reject applications for several reasons, including an insufficient number of members, proposed representation in an industry already served by an existing union, or incomplete documentation. If the registrar rejects an application, the decision may be appealed in the ordinary courts, but applicants seldom take such action.

Workers have the right to strike, although the Government can require 21 days' notice. No strikes were reported during the year. No laws prohibit retaliation against strikers, even a lawful strike. An employee fired for union activities may file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions are made to a tribunal.

Unions are free to form federations and to affiliate internationally. The SLLC is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 1971 Regulation of Wages and Industrial Relations Act provides the legal framework for collective bargaining. Collective bargaining must take place in trade group negotiating councils, each of which has an equal number of employer and worker representatives. Most enterprises are covered by collective bargaining agreements on wages and working conditions. The SLLC provides assistance to unions in preparations for negotiations; in case of a deadlock the government may intervene. The Industrial Court for Settlement of Industrial Disputes, as required by Section 44 of the 1971 Act, was created and began hearing cases during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced and bonded labor, including that performed by children; however, forced labor remains a problem. Under the Chiefdom's Council Act, individual chiefs may impose compulsory labor and may require members of their villages to contribute to the improvement of common areas. This practice exists only in rural areas. There is no

penalty for noncompliance. There were reports of some compulsory labor, possibly including labor by children in rural areas.

Ex-SLA and RUF rebels forcibly impressed young boys and girls into their ranks and forced them into involuntary servitude and to perform as sexual slaves. Many became fighters with the rebel forces. Women were also forced to act as sexual slaves (see Sections 1.b., 5, and 6.f.).

Rebel forces also forced civilians, including children, to labor as porters and as workers in diamond fields under their control despite the signing of the peace accord in July 1999.

d. Status of Child Labor and Minimum Age for Employment.—The minimum age for employment is officially 18 years, although children between the ages of 12 and 18 years may be employed in certain nonhazardous occupations, provided they have their parents' consent. In practice this law is not enforced because there is no government entity charged with the task. Children routinely assist in family businesses and work as petty vendors. In rural areas, children work seasonally on family subsistence farms.

Because the adult unemployment rate remains high, few children are involved in the industrial sector. Foreign employers have hired children to work as domestics overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation is responsible for reviewing overseas work applications to see that no one under the age of 14 is employed for this purpose.

The law requires school attendance through primary school; however, there is a shortage of schools and teachers (see Section 5). Many children consequently enter the work force with few skills and with limited, if any, literacy.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor, including that by children; however, such practices exist (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—A 1997 law set the minimum wage at approximately \$12 (21,000 Leones) per month; it has not been adjusted since then. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. Most workers support an extended family, often including relatives who have been displaced by the insurgency in the countryside, and it is common to pool incomes and to supplement wages with subsistence farming.

The Government's suggested workweek is 38 hours, but most workweeks for those who are employed exceed that figure.

Although the Government sets health and safety standards, it lacks the funding to enforce them properly. Trade unions provide the only protection for workers who file complaints about working conditions. Initially a union makes a formal complaint about a hazardous working condition. If this complaint is rejected, the union may issue a 21-day strike notice. If workers remove themselves from dangerous work situations without making a formal complaint, they risk being fired.

f. Trafficking in Persons.—No law prohibits trafficking in persons, and there were reports that rebel forces kidnaped young boys and girls, forcibly impressed them, and forced the children to serve them and to perform as sexual slaves (see Sections 5 and 6.c.). Women also were forced to act as sexual slaves (see Sections 1.b., 5, and 6.c.). Rebel forces also forced civilians, including children, to work as porters and in diamond fields (see Section 6.c.). The Government is attempting to combat this practice through its efforts to compel the RUF to disarm and demobilize.

SOMALIA

Somalia¹ has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. Subsequent fighting among rival faction leaders resulted in the killing, dislocation, and starvation of thousands of persons and led the United Nations to intervene militarily in 1992. Following the U.N. intervention, periodic attempts at national reconciliation were made, but they did not succeed. In September 1999, during a speech before the U.N. General Assembly, Djiboutian President Ismail Omar Guelleh announced an initiative on Somalia to facilitate reconciliation under the auspices of the Inter-Governmental Authority for Development. In March formal reconciliation efforts began with a series of small focus group meetings of various elements of Somali society in Djibouti. In May in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali soci-

¹ The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

ety were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference opened on June 15 with more than 900 delegates, including representatives of nongovernmental organizations (NGO's). In July the Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included members of Somali minority groups and 25 women. On August 26, the assembly elected Abdiqassim Salad Hassan as Transitional President, and he was sworn in on August 28. Ali Khalif Gallayr was named Prime Minister in October, and on October 20, the Prime Minister appointed the 25-member Cabinet. Administrations in the northwest (Somaliland) and northeast (Puntland) areas of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious interclan fighting occurred in part of the country, notably in the central regions of Hiran and Middle Shabelle, and the southern regions of Gedo and Lower Shabelle. Hussein Aidede is the leader of the Somali National Alliance (SNA), which ceased to assert that it was the government of the entire country following the Djibouti Conference. Unlike in the previous year, there were no skirmishes between the SNA and other militias. No group controls more than a fraction of the country's territory. There is no national judicial system.

Leaders in the northeast proclaimed the formation of the "Puntland" state in July 1998. Puntland's leader publicly announced that he did not plan to break away from the remainder of the country, but the Puntland Administration did not participate in the Djibouti Conference or recognize the Transitional National Administration that emerged from it. In the northwest, the "Republic of Somaliland" continued to proclaim its independence within the borders of former British Somaliland, which had obtained independence from Britain in 1960 before joining the former Italian-ruled Somalia. Somaliland has sought unsuccessfully international recognition since 1991. Somaliland's government includes a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. The ban in Puntland on all political parties remained in place; however, in June the Somaliland ban on political parties was lifted.

After the withdrawal of the last U.N. peacekeepers in 1995, clan and factional militias, in some cases supplemented by local police forces established with U.N. help in the early 1990's, continued to function with varying degrees of effectiveness. Repeated intervention by Ethiopian troops helped to maintain order in Gedo region, a base of support for a local radical Islamic group called Al'Ittihad. In Somaliland over 60 percent of the budget was allocated to maintaining a militia and police force composed of former troops. In September a Somaliland presidential decree, citing national security concerns, in the wake of the conclusion of the Djibouti conference, arrogated special powers to the police and the military. Also in September, the Transitional Government began recruiting for a new 4,000-officer police force to restore order in Mogadishu. In November the Transitional Government requested former soldiers to register and enroll in training camps to form a national army. Over 10,000 former soldiers were enlisted by year's end. Police and militia committed numerous human rights abuses throughout the country.

The country is very poor with a market-based economy in which most of the work force is employed as subsistence farmers,

agro-pastoralists, or pastoralists. The principal exports are livestock and charcoal; there is very little industry. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. The country's economic problems caused a serious lack of employment opportunities and led to pockets of malnutrition in southern areas of the country.

The human rights situation is poor, and serious human rights abuses continued throughout the year. Citizens' right to change their government is circumscribed by the absence of an established central authority. Many civilian citizens were killed in factional fighting, especially in the Gedo, Hiran, Lower Shabelle, and Middle Shabelle regions. In Somaliland and Puntland, police used lethal force while disrupting demonstrations. The use of landmines, reportedly by the Rahanwein Resistance Army (RRA), resulted in several deaths. Kidnaping remained a problem. There were some reports of the use of torture by Somaliland and Puntland Administrations and militias. Prison conditions are harsh and life threatening. Arbitrary arrest and detention remained problems. Somaliland authorities detained a number of persons for participation in the Djibouti Conference. The judicial system relied in most regions on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code; there were occasional reports of harsh physical punishments by Islamic Shari'a courts, including public whippings and stonings. Citizens' privacy rights were limited. There were restrictions on the freedoms of the press, assembly, association, and religion. There were restrictions on freedom of movement. There were numerous attacks on international nongovernmental organi-

zations (NGO's). Violence against women and discrimination against women remained problems. The abuse of children, including the nearly universal practice of female genital mutilation (FGM) remained a problem. Abuse and discrimination against ethnic minorities in the various clan regions continued. There is no effective system for the protection of worker rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking also were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Political violence and banditry have been endemic since the revolt against Siad Barre, who fled the capital in January 1991. Since that time, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. Although reliable statistics were not available, numerous persons were killed during the year. On January 7, militia of the Matan Abdulle, an Abgal sub-clan, killed five persons and injured six in an attack on a bus in North Mogadishu. Observers believe that the probable target of the attack was businessman Mohamed Hassan Ali, alias "Maqarre," who was killed in the attack. On January 31, fighting between the Mohammed Zuber and Aulihyan sub-clans began in Doble (Lower Juba region) and lasted for several days; numerous persons were killed and hundreds injured. On February 4 in Lower Shabelle, fighting between the Islamic Court Militias and the Rahanweyn Resistance Army resulted in the deaths of approximately 15 persons and injuries to 10 others. On March 14, fierce fighting near the village of Buulo Fulaay between fighters from the Rahanweyn Resistance Army and militias from the Rahanweyn Salvation Army and the Digil Salvation Army resulted in the deaths of over 30 persons and injuries to numerous others. On March 19 in the village of Harardere (Mudug region), fighting between militias of the Abgal Wa'aysle sub-clan and the Habr Gedr Ayer resulted in the deaths of five persons. On March 20 near Bullo Burti (Hiran region), fighting between 2 Dir sub-clans resulted in the deaths of at least 20 persons and injuries to 10 others. On April 10, the Samawada Rehabilitation and Development Organization (SAREDO), a local NGO, accused the Islamic Court militias in Merka, Lower Shabelle, of killing one of its guards, Abukar Ali Ismail. The militias reportedly killed Ismail after he refused their order to disarm. On May 20, in Buulo Waambo, Kurtunwaarey District, Jiiddo clan militia killed seven members of the Garre clan, reportedly in retaliation for the earlier killing of two Jiiddo clan members in Hilowgey village by the Garre clan. Between May 26 and 28, in Guri Ceel District, Galgadud region, fighting between the Habr Gedr and Galjeel clans resulted in the deaths of 13 persons. On June 9, two members of warlord Mohamed Said Hersi "Morgan's" militia murdered Jama Habeb, the commander of the militia, reportedly because of internal conflict within the militia. On June 22 in Qoryoley district, fighting between militias of the Garre and Jiiddo clans resulted in the deaths of over 30 persons; the clashes began after a Garre clansman killed a Jiiddo clansman. On July 7, fighting between militia loyal to SNA Commander Hussein Aideed and residents of southwest Mogadishu resulted in the deaths of seven persons; the fighting erupted when residents refused to pay a tax levied by the SNA. On July 26 in Lower Shabelle, renewed fighting between the Jiiddo and Garre clans killed numerous persons. On August 4 in the village of Kabsuuma, Lower Shabelle region, following the alleged rape of a Galjeel girl, fighting between militias of the Galjeel and Bimal clans resulted in the deaths of at least 9 persons and injuries to 10 others. On August 8, a revenge killing sparked fighting between the Hawadle and the Galjeel clans that left one person dead and several injured. On August 11 in Belet Weyne (Hiran district), fighting between the Hawadle and Galjeel, allegedly resulting from a dispute over the distribution of relief food resulted in the deaths of 11 persons and injuries to 20 others. There were no investigations into any of these incidents, nor was any action taken against militia responsible for a5n An tLowove,a localmre-

picion that he might have killed Tallan in order to prevent Tallan from becoming head of the National Security Committee. Tallan had been named as the head of a committee to oversee demobilization of the country's militias. In December the President announced that the police had arrested Tallan's alleged killers with foreign assistance; however, there has been no independent confirmation of this claim. The alleged killers were not known to have been charged or tried by year's end. On November 12, two unidentified men shot and killed Hasan Ahmed Elmi, also known as Hasan Jaale, a member of the Transitional National Assembly; he was killed in front of his wife and children at his home in Mogadishu. Observers believe that the attack may have been in retaliation for the recent killing of a Daud clan member by the Galje'el clan, of which Elmi was a member. An investigation into the killing was conducted; however, it was inconclusive. On November 17, 40 militiamen ambushed a convoy carrying a member of the Transitional Assembly, killing at least 7 persons and injuring at least 9 others. Local mediation occurred and the case was closed.

On at least two occasions police in Somaliland and Puntland used lethal force while disrupting demonstrations. On March 30, police in Puntland killed two persons while forcibly dispersing a demonstration in Bosasso (see Section 2.b.) and arrested several others (see Section 1.d.). On November 11 in Hargeisa, police forcibly dispersed a crowd blocking the main road to the airport (see Section 2.b.); more than 60 protesters were arrested (see Section 1.d.) and 2 persons were killed. There was no investigation nor action taken in these cases by year's end.

There were a number of attacks on humanitarian and NGO workers by militia and other groups (see Section 4). On January 2 in Balad District, Abgal militia opened fire on a vehicle transporting three staff members from the NGO, Cooperative for Assistance and Relief Everywhere (CARE) members (see Section 4). Shucayb Mohamed Hussein, a CARE engineer, was killed in the attack. On January 28 near the village of Buqdah, approximately 60 armed gunmen attacked another CARE convoy, killing 5 convoy security guards and 4 villagers (see Section 4). On January 29 in the town of Sablale, unidentified persons attacked the office of ACCORD, an international NGO, killing two persons (see Section 4). In response to this attack, ACCORD suspended its Polio Eradication Campaign. No investigation was made into the incident; however, the local community mobilized the Islamic Shari'a courts. A gunman was apprehended and his vehicle was towed to Merka.

There were occasional reports of the use of harsh physical punishments by the five Islamic Shari'a courts in Mogadishu, which are aligned with different subclans, including public whippings and stoning (see Sections 1.e. and 2.c.). The courts generally refrained from administering the stricter Islamic punishments, like amputation, but their militias administered summary punishments, including executions, in the city and its environs. For example, in June an Islamic Court in Buulo village, Lower Shabelle, sentenced Nuurto Muhammad Ali to death by stoning after she was discovered to have three husbands (see Section 1.c.).

On March 11, a firing squad in Jowhar, Middle Shabelle, executed a man, Hassan Ahmed, accused of murdering a woman on February 27. Ahmed was executed after the Mohammad Musa subclan of Abgal clan, which both Ahmed and the woman were members of, decided that he should be put to death. On April 24, South Mogadishu's Shirkole Islamic Court executed Farhan Muhammad Jama, who was accused of killing businessman Ahmad Muhammad Ali after the Saleban subclan of the Habr Gidr clan, which both men were members of, decided that he should be put to death.

Numerous extrajudicial killings during the year centered on conflicts over land or livestock. For example, on October 22 near the town of Qoryoley, fighting over land between Jiiddo clans and local farmers from other clans killed at least 10 persons and injured 15 others.

In October in Bosasso, an unidentified person threw a grenade into a temporary shelter for persons traveling to Yemen, killing two persons and injuring five others.

Landmines laid by different groups, particularly the RRA and possibly the SNA, caused several deaths and injuries during the year. On January 20 in the Hiran region, a landmine exploded, killing at least six persons. On January 30 in the Hiran region, landmines and gun battles killed 21 persons. On January 30 near El Ali, five escorts of a food convoy were killed when their vehicle hit a mine. Also on January 30, an aid convoy hit a landmine while crossing the Shabelle River for the Bakool Region. The Abgal clan reportedly planted the landmine; 10 persons were killed and 8 others injured. On February 5, landmines destroyed three "technicals," combat vehicles, belonging to the Islamic Court militias near the village of Buulo Warbo, west of Qoryoley, Lower Shabelle. The explosions killed three persons and injured five others.

Unlike in the previous year, there were no reports of attacks within Ethiopian territory by armed groups opposed to the Government of Ethiopia, supported by Eritrea, operating out of Somalia. Aideed and the SNA reconciled with Ethiopia, and the Oromo Liberation Front (OLF) was disarmed and expelled from the country.

No action is known to have been taken against the persons responsible for the following 1999 killings: The February 1999 killing of Dr. Singh Bohgal; the March 1999 killing of a foreign religious worker; the July 1999 killing of Osman Jeyte; the August 1999 killing of one person during a demonstration at the Ismail Jumale Center for Human Rights; the September 1999 killing of a senior UNICEF official; and the September 1999 killing of businessman Haji Abdullahi.

No investigation was conducted into a 1998 attack by militia fighters on a World Food Program Convoy that killed two persons.

The investigation into the 1997 killing of a Portuguese doctor still was pending at year's end.

On November 24, an appeals court in Rome convicted Hashi Omar Hassan, a Somali, of the 1994 murder of two Italian journalists in Mogadishu (see Section 2.a.). The court sentenced Hassan to life in prison.

In 1997 a War Crimes Commission in Hargeisa in Somaliland began investigating the killings in 1988 of at least 2,000 local residents, including women and children, by Siad Barre's troops. Heavy rains in 1997 revealed numerous mass graves in the Hargeisa area. During the year, the War Crimes Commission continued to record eyewitness accounts and other evidence.

On September 23, approximately 30 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed two persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack.

b. Disappearance.—There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

Kidnaping remained a problem, particularly for relief workers and critics of faction leaders. On July 12 in Bosasso, Mohammed Deq, editor of the Puntland newspaper "Sahan," was abducted by a group of men in military uniform from the Puntland Criminal Investigation Division (CID) while standing in front of the CID headquarters (see Section 2.a.); he was released later that day. On May 29 in Bosasso, unidentified gunmen reportedly broke into the newspaper's offices and assaulted Deq (see Sections 1.c. and 1.f.). On July 26, technicals and Sa'ad militia attacked the compound of Action Against Hunger (ACF), an international NGO, in south Mogadishu. Militiamen kidnaped two foreign ACF employees and detained them until September 18.

There have been no developments in the February 1999 kidnaping case of two OLF officials from Ethiopia and a senior Al'Ittihad official.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional National Charter, adopted in July, but not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believe that many incidents of torture were unreported.

Although reliable statistics were not available, a large number of persons were injured as a result of interfactional and interclan fighting (see Section 1.a.).

On May 29 in Bosasso, unidentified gunmen reportedly broke into the offices of the Puntland newspaper "Sahan" and assaulted Editor Mohammed Deq (see Sections 1.f. and 2.a.); on July 12 in Bosasso, Deq was abducted briefly (see Section 1.b.).

On September 10 in Borama, Somaliland police used small arms and guns to forcibly disperse a demonstration in support of the Djibouti reconciliation process (see Sections 1.d. and 2.b.). Police reportedly injured several persons.

In the latter part of the year, acts of violence, including several killings, increased against supporters or members of the Transitional Government (see Section 1.a.). For example, on November 17, 40 militiamen ambushed a convoy carrying Ahmed Duale Gelle "Haf," a member of the Transitional Assembly, and killed 7 persons and injured 12 others. Elders of the attackers' and Haf's subclan later met at Haf's home. They agreed that some government security forces should be posted where the attack took place.

There were a number of attacks on humanitarian and NGO workers by militia and other groups, which resulted in killings and injuries (see Sections 1.a. and 4.).

Unlike in the previous year, there were no bomb explosions in Hargeisa, Somaliland. In December 1999, there was an explosion at the U.N. Development

Program office in Hargeisa. Somaliland police attributed the bombing to disgruntled persons who had failed to get jobs with various international organizations, and reported that a number of persons had been arrested in connection with the bombings; however, no action had been taken against them by year's end.

There were occasional reports of the use of harsh physical punishments by Islamic Shari'a courts, including public whippings and stoning (see Section 1.e.).

In February representatives of the local Islamic Court militias flogged Omar Dini, a reporter for the Mogadishu-based newspaper "Qaran," allegedly for an anti-Islamic article he had written (see Sections 2.a. and 2.c.). In June an Islamic Court in Buulo village, Lower Shabelle, sentenced Nuurto Muhammad Ali to death by stoning after she was discovered to have three husbands (see Section 1.a.). The execution was suspended until after Ali, who was pregnant, gave birth; however, she was not executed by year's end. The same court sentenced Dalmar Mahmud Ahmad to a punishment of one hundred lashes for adultery on April 8.

As during past years, labor disputes sometimes led to the use of force (see Section 6.b.). For example, the Habr Gibr clan used force against the Digil and Biyamal clans in Lower Shabelle during the year.

There were no reported attacks within Ethiopia by armed opposition groups operating out of Somalia (see Section 1.a.).

Prison conditions varied by region. Conditions at the south Mogadishu prison controlled by the Aideed forces continued to improve because of visits by international organizations; however, conditions at the north Mogadishu prison of the Shari'a court system remained harsh and life threatening. Hareryale, a prison established by the Murursade subclan at the border between north and south Mogadishu reportedly holds hundreds of prisoners, including many children. Conditions at Hareryale are described as overcrowded and poor. Juveniles share cells with adult prisoners and there is a high incidence of tuberculosis. Similar conditions exist at Shirkole prison, an Islamic Court militia-run prison in south Mogadishu and at a north Mogadishu prison for Abgal clan prisoners run by warlord Musa Sudi. A local NGO that visited the central prison in Hargeisa, Somaliland, documented a shortage of medicine, widespread tuberculosis, and juveniles sharing cells with adults. In May there was an outbreak of diarrhea in Burao prison, Somaliland, resulting in the death of one prison guard. According to an international observer, men and women were housed separately in the Puntland prison in Bosasso; this is the case in other prisons as well. Abuse by guards reportedly was common in many prisons. Conditions in other prisons reportedly were less severe, according to international relief agencies. The detainees' clans generally pay the costs of detention. In many areas, prisoners are able to receive food from family members or from relief agencies. Ethnic minorities make up a disproportionately large percentage of the prison population.

The Jumale Center for Human Rights visited prisons in Mogadishu during the year. The Puntland administration permits prison visits by independent monitors, and in April an international observer visited the Bosasso, Puntland, prison. Somaliland authorities permit prison visits by independent monitors, and such visits occurred during the year. In August a local NGO visited Hargeisa, Somaliland, central prison.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of constitutional or other legal protections, various factions and armed bandits continued to engage in arbitrary detention, including the holding of relief workers. On July 11, a group of men seized a foreign-registered cargo ship off the coast of Puntland and demanded a ransom.

In March Somaliland authorities detained three men for 2 days for sending a letter in support of the Djibouti reconciliation conference to the President of Somaliland.

On March 20 in the town of Galkayo, the Mudug (Puntland) region security committee detained five persons demonstrating in support of the Djibouti reconciliation process (see Section 2.b.). The demonstrators were released on March 28. On March 30, police in Puntland killed two persons and arrested and detained for a few days several others while forcibly dispersing a demonstration in Bosasso (see Sections 1.a. and 2.b.).

On September 10 in Borama, Somaliland police arrested five persons after forcibly dispersing a demonstration in support of the Djibouti reconciliation process (see Sections 1.c. and 2.b.).

Somaliland authorities detained a number of persons for participating in the Djibouti reconciliation conference. On February 28, Somaliland authorities detained for several days without charge four members of the Habr Awal sub-clan in Hargeisa for attempting to participate in the Djibouti reconciliation conference process. In March Somaliland police detained for several days without charge two men

in Hargeisa for protesting against alleged pollution by a petroleum company in the town of Berbera (see Section 2.b.). On March 21, Somaliland authorities detained for several days 20 delegates to the Djibouti Conference as they attempted to cross the Somaliland/Djibouti border (see Section 2.d.). In May in Borama, Somaliland authorities detained one person for participating in the Djibouti reconciliation conference; he was released in late June. On May 12 in Hargeisa, Somaliland officials arrested Abdi Hashi, a Mogadishu-based scholar, for taking part in a conference of intellectuals in Djibouti. On August 30, Puntland President Abdullahi Yussuf decreed the arrest of any person returning to Puntland from Arta, Djibouti (see Section 3). On September 4, Somaliland authorities arrested and charged with treason Garad Abshir Garad Salah, Transitional National Administration representative and elected member of the Transitional Assembly, for his participation in the Djibouti conference (see Section 1.e.). Salah was sentenced to 7 years in prison for treason; however, he was released on October 4. On October 4 in Bosasso, Puntland police arrested and detained Bile Mahmud Qabowsadeh, editor of local newspaper "Yool," after he returned from the Djibouti conference (see Section 2.a.). In November the Somaliland Administration arrested Sultan Mohamed Abdulkadir when he returned to the country from Djibouti. On November 11 in Hargeisa, police forcibly dispersed a crowd protesting his arrest; more than 60 protesters were arrested and two persons were killed (see Sections 1.a. and 2.b.).

Somaliland authorities detained some foreigners for proselytizing. For example, on February 3 in Somaliland, nine Ethiopians allegedly were detained for engaging in Christian missionary activities (see Section 2.c.). In May 1999, seven Christian Ethiopians were arrested in Somaliland, allegedly for attempting to proselytize; they remained in detention at year's end (see Section 2.c.).

On November 5 in Baidoa, RRA soldiers forcibly abducted and detained more than 12 local elders believed to support the Transitional Government; however, they were released by year's end.

Authorities in Somaliland, Puntland, and in areas of the south detained both local and foreign journalists (see Section 2.a.).

There were no reports of lengthy pretrial detention in violation of the pre-1991 Penal Code in Somaliland or Puntland.

None of the factions used forced exile.

e. Denial of Fair Public Trial.—There is no national judicial system.

The Transitional Charter, adopted in July, provides for an independent judiciary, and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter had not been implemented by year's end. Some regions have established local courts that depend on the predominant local clan and associated faction for their authority. The judiciary in most regions relies on some combination of traditional and customary law, Shari'a law, the penal code of the pre-1991 Siad Barre Government, or some combination of the three. For example, in Bosasso and Afmadow criminals are turned over to the families of their victims, which then exact blood compensation in keeping with local tradition. Under the system of customary justice, clans often hold whole opposing clans or sub-clans responsible for alleged violations by individuals. Islamic Shari'a courts continued to operate in several regions of the country, filling the vacuum created by the absence of normal government authority. Islamic Shari'a courts traditionally ruled in cases of civil and family law, but extended their jurisdiction to criminal proceedings in some regions beginning in 1994. There were occasional reports of the use of harsh physical punishments by Islamic Shari'a courts, including public whippings and stoning. In Berbera courts apply a combination of Shari'a law and the former penal code. In south Mogadishu, a segment of north Mogadishu, the Lower Shabelle, and parts of the Gedo and Hiran regions, court decisions are based on a combination of Shari'a and customary law. Only three of the five Islamic Shari'a courts in Mogadishu continued to function during the year, those belonging to the Ayr, Saleban, and Murursade clans. The other two courts, belonging to the Sarur and Duduble clans, do not function. They are aligned with different subclans, raising doubts about their independence. The courts generally refrained from administering the stricter Islamic punishments, like amputation, but their militias administered summary punishments, including executions. In April Somaliland adopted a new constitution based on democratic principles, but continued to use the pre-1991 Penal Code. The constitution provides for an independent judiciary; however, the judiciary is not independent in practice. A U.N. report issued in January again noted a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. The Puntland Charter implemented in May 1998, provides for an independent judiciary; however, the judiciary is not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolve the

majority of cases using traditional methods; however, those with no clan representation in Puntland are subject to the Administration's judicial system.

The Transitional Charter, which was not implemented by year's end, provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal do not exist in those areas that apply traditional and customary judicial practices or Shari'a law. These rights more often are respected in regions that continue to apply the former Government's penal code, such as Somaliland and Puntland.

There was one known political prisoner in the country. On September 4, Somaliland authorities arrested and charged with treason Garad Abshir Garad Salah, Transitional National Administration representative and elected member of the Transitional Assembly, for his participation in the Djibouti conference. On September 16, the Berbera Court sentenced Salah to 7 years in prison for treason. President Egal pardoned Salah to reduce political tensions and Salah was released on October 4.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transitional Charter, adopted in July but not implemented by year's end, provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in the previous year. The Puntland Charter recognizes the right to private property; however, authorities did not respect this right on at least one occasion. On May 29 in Bosasso, unidentified gunmen reportedly broke into the offices of the Puntland newspaper "Sahan" and assaulted Editor Mohammed Deq (see Sections 1.b., 1.c., and 2.a.).

Most properties that were occupied forcibly during militia campaigns in 1992-93, notably in Mogadishu and the Lower Shabelle, remained in the hands of persons other than their prewar owners.

Approximately 300,000 persons, or 40 percent of the population, have been displaced internally as a result of interfactional and interclan fighting.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Charter, adopted in July, provides for freedom of the press; however, the charter was not implemented by year's end and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right is not respected in practice. The Somaliland constitution also provides for freedom of the press, but this right is restricted in practice. The print media consist largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally are independent and are critical of the faction leaders.

Somaliland has two independent daily newspapers, one government daily, and an independent English-language weekly. Treatment of journalists in Somaliland reportedly continued to improve during the year.

In February Somaliland authorities detained for 4 hours the publisher of the daily newspaper Jamhuriya and of the weekly The Republic for printing a letter critical of Somaliland courts.

In February representatives of the local Islamic Court Militias flogged Omar Dini, a reporter for the Mogadishu-based newspaper "Qaran," allegedly for an anti-Islamic article he had written (see Sections 1.c. and 2.c.).

On March 13 in south Mogadishu, the Hararyale Islamic Court in Wardhigley District arrested Mohammed Ali Salad, a reporter for the Mogadishu-based newspaper "Qaran," allegedly because he wrote articles critical of deforestation caused by the activities of charcoal exporters. He was detained at the Hararyale Islamic Court in Wardhigley District for several days before being released in late March.

On May 29 in Bosasso, unidentified gunmen reportedly broke into the offices of the Puntland newspaper "Sahan" and assaulted Editor Mohammed Deq (see Sections 1.c. and 1.f.). On July 12 in Bosasso, Puntland, CID agents abducted and briefly detained Deq while standing in front of Criminal Investigation Division headquarters (see Section 1.b.).

On August 21, Islamic Court Militias detained Ahmed Abd Al-Rahman Dhalbaaq, the editor of the Merka, Lower Shabelle, bi-monthly newspaper "Gaim," allegedly for reporting on a decrease in security in the town. He was released on bail pending trial later that day. It was not known whether his trial occurred by year's end.

On October 4 in Bosasso, Puntland police arrested and detained Bile Mahmud Qabowsadeh, editor of local newspaper "Yool," after he returned from the Djibouti conference (see Section 1.d.).

In late October, Puntland authorities fired sheikh Abdi Rahman Bulbul, the head of religious programs at Galkayo Radio, because they believed him to be a supporter of the Transitional Government.

On November 24, an appeals court in Rome convicted Hashi Omar Hassan, a Somali, of the 1994 murder of two Italian journalists in Mogadishu. The court sentenced Hassan to life in prison.

In 1999 in Puntland, the regional administration arrested Abulkadir Ali and Mohamed Deq of the newspaper Sahan, and Ahmed Mohamed Ali of the newspaper Riyaq, reportedly for writing articles critical of the Government. They remained in detention at year's end.

Most citizens obtain news from foreign news broadcasts, chiefly the British Broadcasting Corporation, which transmits a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operate small radio stations.

There are restrictions on academic freedom; academics operate under restrictions similar to those imposed on members of the media. There is no organized higher education system in most of the country. There is a university one north Mogadishu and another university in Somaliland.

b. Freedom of Peaceful Assembly and Association.—There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens are free to assemble in public, the lack of security effectively limits this right in many parts of the country. On August 30, Puntland President Abdullahi Yussuf ordered regional governors to ban all antigovernment demonstrations. Demonstrations occurred throughout the country during the year; however, authorities in Somaliland, Puntland, and the south sometimes forcibly dispersed demonstrations and used excessive force in some instances (see Sections 1.a. and 1.c.).

In March in Hargeisa, Somaliland police detained for several days two men for protesting against alleged pollution by a petroleum company in the town of Berbera. On March 20 in the town of Galkayo, the Mudug (Puntland) region security committee detained five persons demonstrating in support of the Djibouti reconciliation process (see Section 1.d.). The demonstrators were released on March 28. On March 29, Puntland police fired shots to disperse a demonstration in Gardo, Bari region, against the Puntland President; however, there were no reported injuries. On March 30 in Bosasso, Puntland police killed two persons while forcibly dispersing a demonstration in support of the Djibouti conference and against President Yusuf (see Section 1.a.) and arrested several other participants (see Sections 1.a. and 1.d.). On September 10 in Borama, Somaliland police forcibly dispersed a demonstration in support of the Djibouti reconciliation process. Several persons reportedly were injured in the clash and five persons were arrested (see Sections 1.c. and 1.d.). On November 1, security men guarding the Lafweyn Hotel in Mogadishu shot at a group of demonstrators protesting against the Transitional Government's recruitment of police forces in front of the hotel. There were no reported injuries. On November 11 in Hargeisa, police forcibly dispersed a crowd blocking the main road to the airport. More than 60 protesters were arrested and 2 persons were killed (see Sections 1.a. and 1.d.). The crowd was protesting the Somaliland Administration's arrest of Sultan Mohamed Abdulkadir when he returned from Djibouti (see Section 1.d.).

There were a number of peaceful demonstrations that occurred during the year without interference by authorities. For example, on June 15, members of a conservative Mosque protested against alleged Christian proselytizing by teachers at schools funded by the Coordinating Committee of the Organization for Voluntary Service (COSV) (see Sections 2.c. and 4). On October 17, hundreds of persons in the Bay and Bakol regions demonstrated against Hassan Mohamed Nur Shargudud, leader of the RRA, following his statements that he would no longer recognize the Transitional Government.

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties for 3 years, beginning in August 1998. The Somaliland constitution provides for freedom of association. In June the Somaliland parliament approved legislation governing the formation of political parties (see Section 3). The law limits to three the number of political parties allowed to contest general elections. An ad hoc commission, nominated by the President and approved by the House of Representatives, will be responsible for considering applications. Approved parties that win twenty percent of the next Somaliland elections will be permitted to operate.

Professional groups and local NGO's operate as security conditions permit.

c. Freedom of Religion.—There is no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter, adopted in July but not implemented by year's end, establishes Islam as the national religion. There is no central government, but some local administrations, including the Republic of Somaliland and Puntland, have made Islam the official religion in their regions. The judiciary in most regions relies on some combination of traditional and customary law (Xeer), Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some combination of the three. There are three Islamic Shari'a courts operating in Mogadishu, which are aligned with different subclans, raising doubts about their independence (see Section 1.e.). These courts generally refrained from administering the stricter Islamic punishments, such as amputation, but their militias administered summary punishments, including executions, in the city and its environs (see Section 1.a.). There were occasional reports of the use of harsh physical punishments by Islamic Shari'a courts including public whipping and stoning (see Sections 1.a. and 1.c.).

In March 1999, the Minister of Religion in Somaliland issued a list of instructions and definitions on religious practices. Under the new rules, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines are prohibited.

Local tradition and past law make it a crime to proselytize for any religion except Islam. Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland. Christian-based international relief organizations generally operate without interference, as long as they refrain from proselytizing. On February 3 in Somaliland, nine Ethiopians allegedly were detained for 1 month for engaging in Christian missionary activities (see Section 1.d.); all nine were deported following their release. Seven Christian Ethiopians arrested in Somaliland in May 1999, for allegedly attempting to proselytize, remained in detention at year's end (see Section 1.d.).

In February representatives of the local Islamic Court militias flogged Omar Dini, a reporter for the Mogadishu-based newspaper "Qaran," allegedly for an anti-Islamic article he had written (see Sections 1.c. and 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Transitional Charter, adopted in July but not implemented by year's end, and the Puntland Charter guarantee freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibit passage by other groups. In the absence of a recognized national government, most citizens do not have the documents needed for international travel.

The Somaliland and Puntland administrations impeded the travel of participants in the Djibouti Conference. Numerous persons were arrested and detained for attempting to attend the conference (see Section 1.d.). On August 26, the Puntland Administration attempted to prohibit flights from landing at Bosasso Airport in an effort to restrict the movements of participants to and from the Djibouti Conference. On August 30, Puntland President Abdullahi Yussuf decreed the arrest of any person returning to Puntland from Arta, Djibouti (see Section 1.d.). In September the Puntland Administration reportedly denied entry to 12 Egyptian doctors and 30 Egyptian teachers who arrived at the Bosasso airport from Arta; they were allowed to enter the country at a later date. There were reports that some clan leaders sent armed militia to assist in the entry of some persons into the country in defiance of President Yussuf's decree.

As security conditions continued to improve in many parts of the country, refugees and internally displaced persons (IDP's) returned to their homes. Approximately 10,000 Somali refugees were returned from Ethiopia under the auspices of the U.N. High Commissioner for Refugees (UNHCR) during the year, and unlike in the previous year, there were no interruptions in the repatriation process. Despite sporadic harassment, including the theft of UNHCR food packages by militiamen and attacks on World Food Program convoys, repatriation generally took place without incident. Approximately 9,000 refugees had returned to Somaliland by year's end. However, despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year.

There are approximately 300,000 internally displaced persons in the country, representing approximately 4 percent of the population.

The U.N. estimates that approximately 500,000 Somalis are living as refugees in neighboring countries, including approximately 125,000 in Kenya at year's end,

down from more than 400,000 at the height of the humanitarian crisis in 1992. There were 170,000 Somali refugees in Ethiopia and 22,600 Somali refugees in Djibouti at year's end.

As there is no functioning central government, there is no policy of first asylum nor are there any laws with provisions for the granting of refugee or asylee status. A small number of Ethiopian refugees remained in the country, mostly in the north-east near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status.

In October in Bosasso, an unidentified person threw a grenade into a temporary shelter for persons traveling to Yemen, killing two persons and injuring five others.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In the absence of a fully functioning national government, citizens cannot exercise this right. In most regions, local clan leaders function as de facto rulers. Although many such groups derive their authority from the traditional deference given clan elders, most face opposition of varying strength from political factions and radical Islamic groups.

In the Republic of Somaliland, the existence of which was endorsed by clan elders in 1991 and 1993, a clan conference led to a peace accord early in 1997. This accord demobilized militia groups, established a constitution and bicameral parliament with proportional clan representation, and elected a president and vice president from a slate of candidates. The Hargeisa authorities have established functioning administrative institutions in virtually all the territory they claim, which equals the boundaries of the Somaliland state that achieved international recognition in 1960. In June the Somaliland parliament approved legislation governing the formation of political parties (see Section 2.b.). Parties approved by an ad hoc commission that win 20 percent of the next Somaliland elections will be permitted to operate. Regional elections are scheduled for 2002 in Somaliland.

In March 1998, Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yussuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which plays a largely consultative role. Political parties are banned in Puntland. Regional elections are scheduled for 2001 in Puntland.

In May in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia," which opened on June 15 with more than 900 delegates. In July the Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of Somali minority groups and 25 women. On August 26, the assembly elected Abdiqassim Salad Hassan as Transitional President, and he was sworn in on August 28. Ali Khalif Gallayr was named Prime Minister in October, and on October 20, the Prime Minister appointed the 25-member Cabinet. The Somaliland and Puntland Administrations do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders.

The Transitional Charter, adopted in July but not implemented by year's end, provides for universal suffrage. Both of the Puntland and Somaliland Administrations provide for universal suffrage.

Women as a group remained seriously underrepresented in regional government and politics, and no women held prominent public positions; however, several women were important behind-the-scenes figures in the various factions. There only are five female representatives out of a total of 69 representatives in the Puntland Parliament. Women played a prominent role in the Djibouti Conference. In the Transitional National Assembly women were allocated 25 seats out of a total of 245 seats. Minorities were allocated 24 seats in the Transitional National Assembly during the Djibouti conference.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several local human rights groups were active during the year, including the Mogadishu-based Ismail Jumale Center for Human Rights and the Hargeisa-based Horn of Africa Human Rights Watch Committee. The Ismail Jumale Center investigated the causes of conflict in the Mogadishu area, supported the Djibouti Reconciliation process, conducted effective human rights monitoring, protested the

treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. Women's NGO's also played an important role in galvanizing support in the country for the Djibouti Initiative.

In Hargeisa in Somaliland, local NGO's continued to operate freely and without harassment during the year.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, the Halo Trust, Save the Children, and various other demining agencies. The Somaliland and Puntland administrations permitted visits by U.N. human rights representatives during the year. Sporadic security problems complicated the work of some local and international organizations, especially in the South. There were reported incidents of harassment against NGO's, including attacks on aid convoys and airplanes, which disrupted food distribution and U.N. flights into and out of the country (see Sections 1.b. and 1.c.). A number of humanitarian workers were killed in such attacks and one NGO suspended its programs as a result (see Section 1.a.).

On September 18, eight Islamic Court Militia gunmen attacked a World Health Organization (WHO) compound in Merca. Although they shot over 200 rounds of ammunition at the building, there were no injuries.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Transitional Charter, adopted in July but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The 1997 Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women.—Violence against women exists, although there are no reliable statistics on its prevalence. Women suffered disproportionately in the civil war and in the strife that followed. Rape is commonly practiced in inter-clan conflicts. Laws prohibiting rape exist; however, they are not enforced. A statistically insignificant number of rapes were prosecuted during the year. Unlike in the previous year, there were no reports that fighters loyal to Hussein Aided routinely raped women in southern Qoryoley district.

Women are subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny is permitted, but polyandry is not. Under laws issued by the former government, female children could inherit property, but only half the amount to which their brothers were entitled. Similarly, according to the Shari'a and Somali tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as they would if the victim were a man.

Several women's groups in Hargeisa (Somaliland), Mogadishu, Bosasso (Puntland), and Merka (Lower Shabelle) actively promote equal rights for women and advocate the inclusion of women in responsible government positions. Women's groups played a prominent role in the Djibouti Conference.

Trafficking in women for the purposes of sexual exploitation was a problem (see Sections 6.c. and 6.f.).

Children.—Children remain among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths are members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. There are three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who enter primary school graduate from secondary school. Parents generally pay fees for their children's education. Schools at all levels lack textbooks, laboratory equipment, and running water. Teachers are trained poorly and paid poorly. Approximately 10 to 20 percent of the school-age population attends school; more boys than girls are enrolled in school. The literacy rate is less than 25 percent. In 1999 the Somaliland authorities drafted guidelines for a national education policy; however, no action on such a policy was taken by year's end.

Medical care is rudimentary, and only a small percentage of children have access to adequate medical facilities.

Female genital mutilation (FGM), which is widely condemned by international experts as damaging to both physical and psychological health, is a near-universal practice. Estimates place the percentage of women who have been subjected to FGM at 98 percent. The majority of women are subjected to infibulation, the most harmful form of FGM. The practice was illegal prior to 1991, when the Siad Barre Gov-

ernment collapsed, and in Somaliland it remains illegal under the Penal Code (see Section 1.e.); however, the law is not enforced. In November 1999, Puntland authorities passed legislation banning FGM in northeastern areas of the country; however, in practice the law is not enforced strictly. While U.N. agencies and NGO's have made intensive efforts to educate persons about the danger of FGM, no reliable statistics are available on the success of their programs.

People with Disabilities.—In the absence of a functioning state, no one is in a position to address systematically the needs of those with disabilities. There are several local NGO's in Somaliland that provide services to the disabled.

Religious Minorities.—Non-Sunni Muslims often are viewed with suspicion by members of the Sunni majority. There is strong social pressure to respect Islamic traditions, especially in enclaves controlled by radical Islamists, such as Luuq in the Gedo region and Doble and Kulbiyow in such Lower Jubba region. There was an increase in religious intolerance among Muslims by Al'Ittihad, a local radical Islamic group, which is an affiliate of the international Al'Ittihad group. There reportedly have been mosque takeovers in Puntland and Lower Shabelle. On June 15 in Merca, members of a conservative Mosque protested against alleged Christian proselytizing by teachers at schools funded by COSV, an Italian NGO (see Section 2.b.). During the march, three members of Merca's "Shura" or council threw a grenade into the offices of COSV. There were no reported injuries; staff members were evacuated, and COSV programs were suspended for 2 weeks.

There was a continued influx of foreign Muslim teachers into the country to teach in new private Koranic schools. These schools are inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices not normally found in the local culture.

There is a small, low-profile Christian community. Christians, as well as other non-Muslims, who proclaim their religion sometimes face societal harassment.

National/Racial/Ethnic Minorities.—More than 80 percent of citizens share a common ethnic heritage, religion, and nomadic-influenced culture. The largest minority group consists of "Bantu" Somalis, who are descended from slaves brought to the country about 300 years ago. In most areas, members of groups other than the predominant clan are excluded from effective participation in governing institutions and are subject to discrimination in employment, judicial proceedings, and access to public services.

Members of minority groups are subjected to harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and shattered the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions could not function freely.

The Transitional Charter, adopted in July but not implemented by year's end, the Puntland Charter, and the Somaliland Constitution established the right of freedom of association, but no unions or employer organizations yet exist.

b. The Right to Organize and Bargain Collectively.—Wages and work requirements in the traditional culture are established largely by ad hoc bartering, based on supply, demand, and the influence of the clan from which the worker originates. As during past years, labor disputes sometimes led to the use of force (see Section 1.c.). For example, the Habr Gibr clan used force against the Digil and Biyamaal clans in Lower Shabelle during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The pre-1991 Penal Code prohibits forced labor; however, local clan militias generally forced members of minority groups to work on banana plantations without compensation. Trafficking in women for the purposes of sexual exploitation was a problem (see Sections 5 and 6.f.). The pre-1991 labor code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.d.). Trafficking in children for forced labor is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1991 labor code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.c.). Formal employment of children was rare, but youths commonly are employed in herding, agriculture, and household labor from an early age. The lack of educational

opportunities and severely depressed economic conditions contribute to child labor. There were reports that trafficking in children for forced labor is a serious problem.

The country did not ratify ILO Convention 182 on the worst forms of child labor by year's end.

e. Acceptable Conditions of Work.—There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons.—The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the year. In July Djibouti law enforcement authorities arrested members of a group that was smuggling Somali women to such destinations as Lebanon and Syria to work in brothels (see Section 5). The number of women being trafficked from Somalia appears to be small. There were reports that trafficking in children for forced labor is a serious problem (see Sections 5 and 6.d.).

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. The Parliament consists of the National Assembly and the National Council of Provinces. President Thabo Mbeki leads the African National Congress (ANC) party, which holds 266 seats in the 400-seat National Assembly. The Parliament was elected in free and fair elections in June 1999; the Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government includes ministers from the ANC and the Inkatha Freedom Party (IFP) but is dominated by the ANC. The Democratic Party (DP) is the official opposition in the National Assembly. The judiciary, including the Constitutional Court, is independent.

The South African Police Service (SAPS) has primary responsibility for internal security, although the Government continues to call on the South African National Defense Force (SANDF) to provide support for the SAPS in internal security situations. The SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community service-oriented police force; however, it remained understaffed, overworked, and undertrained. The SANDF and the SAPS border control and policing unit share responsibility for external security. The Government continued to train and deploy the new Special Directorate of Investigations (SDI), dubbed "the Scorpions," to coordinate efforts against organized crime. Some members of these forces committed human rights abuses.

The economy continues to undergo important fundamental changes as the Government attempts to shift towards the manufacturing and services sectors and away from a focus on mining and commodities exports. The gross domestic product is \$130 billion, of which manufacturing accounts for 18 percent, services 43 percent, and mining 6 percent. Agriculture, although only 4 percent of the gross national product, is an important source of export earnings. Since the fall of apartheid, foreign investors have used the country as a base of operations for economic expansion into the Sub-Saharan region. The economy is driven largely by market forces, although a lack of competition still exists in some sectors. For example, banking and mining remain tightly controlled by a handful of powerful corporations. Although a privatization program is underway, the State continues to hold majority stakes in the telecommunications, transport, and power sectors. The Government's Growth, Employment, and Redistribution macroeconomic program largely has been successful in controlling inflation and instilling discipline in government spending. Ownership of wealth remains highly skewed along racial lines. The disparity between skilled and unskilled workers is considerable, as is the income distribution gap between white and black, and urban and rural citizens. Official unemployment is approximately 23 percent, although figures are debated widely. A significant number of citizens, particularly blacks, are employed in the largely retail-oriented informal sector. The numerous social and economic problems that developed largely during the apartheid era are expected to persist for many years.

The Government generally respected the human rights of its citizens; however, serious problems remain in several areas. Some members of the security forces committed killings due to use of excessive force, and there were deaths in police custody. In addition to killings by security forces, there were an estimated 166 politically motivated or extrajudicial killings during the first 10 months of the year. The Government took action to investigate and punish some of those involved and to prevent

future abuses. Political violence remained a problem; however, it was reduced from 1999 levels, both in KwaZulu-Natal and countrywide. Some members of the security forces were responsible for torture, excessive use of force during arrest, and other physical abuse. The Government took action to investigate and punish some of those involved. Prisons are seriously overcrowded. The judiciary is overburdened, and lengthy delays in trials and prolonged pretrial detention are problems. Violence against women and children, and discrimination against women and the disabled remained serious problems. Child labor, including forced child labor, is a problem. Vigilante violence and mob justice increased during the year. Trafficking in persons is a problem.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, make recommendations for reparations for victims, and grant amnesty for full disclosure of politically motivated crimes, continued its work on a large backlog of amnesty and restitution applications following the release of its 1998 report.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of The Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Police use of lethal force during apprehensions resulted in numerous deaths, and deaths in police custody also remain a problem. The Government took action to investigate and punish some of those involved and to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigates deaths in police custody and deaths as a result of police action. The ICD reported 511 deaths as a result of police action in the last 8 months of the year, including 186 that occurred while in police custody. These figures represent an increase in the monthly rate of deaths as a result of police action, compared with the estimated 450 deaths as a result of police action that occurred in the first 10 months of 1999. The ICD's report lists the subcategories under deaths in police custody, which include natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The ICD experienced greater cooperation from the police than in the previous year.

On April 10, police in Barkly East in the Eastern Cape province arrested six teenagers for a local burglary. In the course of the arrest, they dragged two of the boys behind their police vehicle, killing a 14 year-old boy. Three police officers were charged with murder, assault and related crimes; their trials were postponed until March 2001. The police officers were released on bail and suspended from duty pending their trials.

On July 30, SAPS members claiming to be searching homes for illegal weapons shot and killed an ANC Member of Parliament, Bheki Mkhize, in his parents' home in Mahlabathini. There was no indication that the officers had a warrant or that they attempted to search other homes in the area. Three officers were charged in the killing; they were released on bail in August, and an investigation into the matter was ongoing at year's end. ANC spokesmen alleged that the police were committing murders for the IFP, the ANC's political rival. There was in fact a consistent pattern of attacks and killings between members of both parties prior to the June 1999 elections.

The TRC continued to consider throughout the year amnesty applications involving apartheid era violence and killings (see Section 4). During the year, a number of applicants were granted amnesty, including Eugene de Kock, the principal of the apartheid government's Vlakplaas unit (although he remains in custody for other crimes); police officers who killed antiapartheid activist Stanza Bopape; and the IFP members involved in a massacre in Boipatong. On September 7, the TRC granted 11 ANC guards amnesty for their participation in the 1994 killing of 8 IFP demonstrators (see Section 4). The application of Ferdie Barnard of the Civil Cooperation Bureau remained pending at year's end.

Racial tensions in the military between white commanding officers and their black subordinates resulted in several killings during the year. In 1999 a black lieutenant killed six white officers at an army base in Tempe before he was shot and killed. In December 1999, The Ministry of Defense announced the formation of a commission of inquiry into the shootings and into racism within the SANDF in general; the final report had not yet been released by year's end. On July 10, a black platoon commander murdered his white company commander at an army base near Phalaborwa. On September 19, a black navy seaman shot and killed his white commanding officer at Simons Town naval base. Investigations into these killings were ongoing at year's end, but the Defense Minister stated publicly that racism was likely a motivating factor in the cases.

The South Africa Institute for Race Relations, a nongovernmental organization (NGO) concerned with political and extrajudicial killings, reported 166 politically motivated killings during the first 10 months of the year, most of which occurred in the province of KwaZulu-Natal, compared with 286 for the same period in 1999.

In 1999 7 persons were arrested for the 1999 murder of the general secretary of the United Democratic Movement (UDM), Sifiso Nkabinde, and 5 persons were arrested for a retaliatory attack after the murder in which 11 persons associated with the ANC were killed and several others were wounded. Seven suspects in the Nkabinde killing went on trial in March, and five were convicted in October. The trial of the five suspects in custody for the retaliatory attack is scheduled for March 2001. In November 1999, prominent Zulu leader and ANC member Prince Cyril Zulu, was killed by unknown persons. It is not known whether this was a politically motivated killing; a suspect was apprehended, but the trial had not begun by year's end.

The trial of Dr. Wouter Basson was ongoing at year's end. Basson was the head of the chemical warfare program under the former apartheid regime, and faces 61 charges including 30 counts of murder, fraud, and narcotics trafficking. During his trial, it was revealed that the former apartheid regime was involved in the murders of hundreds of members of the Namibian Liberation Movement between 1980 and 1987. The trial was ongoing at year's end.

There was no further action on the March 1999 killing in Cape Town of one ANC member and four UDM members.

A peace process continued between the IFP and the ANC, the two parties most closely associated with the political violence in KwaZulu-Natal. In May 1999, a special bilateral IFP-ANC Peace Committee signed a provincial code of conduct for peace, which was still in effect during the year. Although violence in KwaZulu-Natal remained higher than in other provinces, resulting in dozens of deaths during the year, including the killings of several ANC and local IFP leaders, there was an improved level of overall tolerance attributable to the IFP-ANC peace process, as well as an increased police presence. However, the committee established to enforce the provincial code of conduct received complaints regarding the intimidation of party members, primarily rural members. Some rural areas in KwaZulu-Natal that previously had experienced violence remained tense, although the overall level of violence continued to decrease. Factional and intraparty rivalry in the Nongoma area continued to cause deaths, and the authorities had limited success in solving the killings. The Public Order Policing Unit from Durban was moderately effective in calming tensions, but investigations continued to be handled by local authorities. There are several theories to explain the violence in KwaZulu-Natal, including a legacy of "warlordism" that fuels interparty conflict, and the actions of criminal elements involved in a Mafia-like illegal trade in drugs, arms, and wildlife. Some observers have blamed an undefined "third force," which allegedly combines criminal and conservative elements determined to undermine the new political order. Observers warn that the fact that the province has not yet been demilitarized and disarmed promotes the area's violence.

Violence in Richmond was reduced significantly during the year due largely to the replacement in 1998 of the regular police force in the area with a special, larger "public order police" force.

There were reports that five persons were killed in an incident that may have been politically motivated during the December 5 local elections in the East Rand area of Johannesburg. Nine suspects were arrested, and eight were charged with the killings. Although it is not known if the shooting was politically motivated, the shooting occurred near a polling place in an area with a history of interparty violence. Three of the eight suspects were charged with murder; they were denied bail and were being held in pretrial detention at year's end. Charges against two suspects were dropped; the other three suspects were charged with reckless endangerment while using a weapon and released on bail. A trial date had not been announced at year's end.

Taxi drivers in crime-ridden neighborhoods were responsible for a continuing series of attacks on rivals. Conflict between taxi companies led to gun battles and other street violence, and resulted in the deaths and injuries of bystanders in several cities. In Cape Town, taxi owners were believed to have instigated attacks and shootings of drivers working for the Golden Arrow bus company. Four drivers were killed and several other persons, including passengers, were injured in a series of attacks. In September one person pled guilty to the bus drivers' murders and was sentenced to 75 years in prison. No arrests were made in connection with the taxi violence in Cape Town that occurred in 1999.

Vigilante action and mob justice increased during the year. In Northern and Mpumalanga provinces, a vigilante group called Mapogo A Mathamaga has grown

in membership and has opened offices in at least nine cities, including Pretoria. Mapogo members attacked and tortured, including beating with clubs and whips, suspected criminals, particularly targeting those they suspected of property crimes against their members. In November the Director of Public Prosecutions created a task team to investigate more than 200 cases attributed to Mapogo members in the Northern and Mpumalanga provinces, which included the crimes of kidnapping, murder, assault, and intimidation. In Eastern Cape, the Umfela Ndawonye group also killed and attacked suspected criminals in vigilante violence. People Against Gangsters and Drugs (PAGAD), an Islamic-oriented, communitybased organization calling for stronger action against crime and drugs, continued to be suspected of acts of intimidation and violence against drug dealers and gang leaders, and against critics of its violent vigilantism. In September a PAGAD G-force (murder squad) member testified in court that in January he had been ordered by PAGAD leadership to attack a gang stronghold and kill gang members and drug dealers. The Minister of Justice and Minister of Safety and Security publicly charged that PAGAD G-force cells and members of Qibla, an Islamic-based political organization whose membership may share affiliation with PAGAD, were responsible for urban terror incidents in Cape Town throughout the year. These attacks included nine bombings (see Section 1.c.) that caused serious injuries but no deaths. No organization has claimed responsibility for the incidents. Authorities based their accusations against PAGAD on circumstantial evidence regarding attacks linked to PAGAD members' trials, including violence directed against particular courts and police officers, intimidation of witnesses, and the September murder of a regional court magistrate who was hearing PAGAD cases. Since November 1998, there have been 16 convictions and 14 acquittals of PAGAD members. Pending cases include 13 charges of murder, 63 charges of attempted murder, 10 charges for possession of explosives, and 18 charges for illegal possession of firearms. In December hundreds of cases were pending against PAGAD members in Western Cape courts, including 40 cases in which bail was denied to the accused. The Muslim community protested the infrequent availability of bail and staged periodic small-scale protests, criticizing the treatment of suspects as unfair compared with the judicial treatment of non-Muslims (see Section 2.c.). There were three sets of murder trials pending at year's end: Ebrahim Jeneker, Abdulla Maansdorp, and Ismail Maansdorp; Moegamat Zain Cornelson and Anees Adams; and Moegamat Isaacs. In August Ebrahim Jeneker and Ismail Edwards, alleged PAGAD members, were charged with the killing of a police captain who had been investigating PAGAD; the trial was pending at year's end.

Murders of farm families in rural parts of the country have received considerable media attention, but data on numbers of attacks have not been available since the SAPS declared an embargo on crime statistics in July (see Section 2.a.). AgriSA, an organization formed in October 1998 to represent farmers' interests, reported 804 attacks on farms and small holdings during the year, usually by black assailants, which resulted in 119 killings of farm owners, most of whom were white. There is widespread concern among white farmers that they are being targeted for racial and political reasons, although no evidence exists that the murders are part of an organized political conspiracy.

There were incidents of abuse and killings of black farm laborers by their white employers. NGO's claim that rural police and courts refuse to arrest or prosecute whites in many incidents. During the year, the HRC launched an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners. The HRC report was not released by year's end (see Section 4).

In December two guards were shot to death in Cape Town in what police believe was a strike-related attack (see Section 1.c. and 6.a.).

In the Northern province, where traditional beliefs regarding witchcraft remain strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities. Some survivors of attacks and their families were driven from their villages and were living in "witch villages" for safety. The Ministry of Safety and Security with the assistance of the quasigovernmental Commission on Gender Equality and traditional leaders, instituted programs to end violence against suspected practitioners of witchcraft. Traditional leaders cooperated with the programs and reported threats against persons suspected of witchcraft to the police. There reportedly were some prosecutions, although statistics were not available by year's end. Government officials claimed a decrease in attacks as a result of the programs; however, because of the embargo on crime statistics by the SAPS (see Section 2.a.) precise data were not available. There were reports of only one witchcraft related murder since 1997, compared with more than 500 between 1990 and 1995.

b. Disappearance.—There were no reports of politically motivated disappearances caused by government authorities or agents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution's Bill of Rights prohibits torture and cruel, inhuman, or degrading treatment, and provides for the right to be free from all forms of violence from either public or private sources; however, some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. Some incidents of torture and ill-treatment by the police and SANDF occurred during interrogation, arrest, detention and searches of persons' homes. The ICD reported 19 cases of torture and 9 cases of rape perpetrated by security forces between April and December; the Government investigated these allegations and prosecuted some offenders.

On April 10, police in Barkly East in Eastern Cape province dragged two boys behind a police vehicle during the course of making an arrest, killing a 14-year-old boy (see Section 1.a.). Three police officers were charged with murder, assault, and related crimes. The trial was postponed until March 2001; the officers were released on bail and suspended from duty.

In May some COSATU members reportedly clashed with police during a COSATU strike, and police used tear gas after the crowd reportedly threw stones (see Sections 2.b. and 6.a.).

On November 7, a video filmed in 1998 was broadcast on national television showing six white police officers beating and torturing three black illegal immigrants with vicious dogs while yelling racial insults. The officers were arrested and charged with assault and attempted murder, and suspended from duty; the investigation was ongoing at year's end. Several similar cases were reported to the ICD after the broadcast of the video. For example, in August police of the North Rand Dog Unit allegedly took seven Mozambican immigrants to a deserted field near Springs, ordered them out of the police vehicle, and attacked them with police dogs. After receiving medical treatment and being detained for several days in a police jail, the victims were taken to the Lindela Repatriation Centre and returned to Mozambique. Another Mozambican immigrant reported that a similar incident took place in October in the West Rand area. The ICD was investigating the incidents at year's end.

Incidents of police harassment and attacks against foreigners increased. Some state hospitals routinely refused treatment to indigent foreigners, despite regulations that required such treatment.

There were reports of police abuse of detainees awaiting deportation (see Section 2.d.). In December after a 2-year investigation, the Human Rights Commission (HRC) released a report assessing conditions at the Lindela Repatriation Centre, the largest detention facility for undocumented immigrants in the country. The report described abuses against detainees, which included long detentions, poor living conditions, xenophobia, abuse and corruption by officials, and sexual abuse of women. In December the HRC reported that the Department of Home Affairs had not responded to its recommendations, and, although the contractor operating the facility had improved conditions, Home Affairs officials continued to assault detainees and subject them to degrading treatment. On November 28, approximately 300 refugees demonstrated in front of the Department of Home Affairs to protest its refusal to process asylum applications for those applicants without certain documents. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes. The HRC sued the Department of Home Affairs to compel the processing of all applications by asylum seekers, as required by the 1998 Refugees Act; the case still was pending at year's end (see Section 2.d.).

Two officers who were filmed by the British Broadcasting Corporation as they beat suspected criminals in a 1999 documentary were fined and given suspended prison sentences on July 10.

In 1998 police at a Guguletu police station severely beat a Cape Town journalist, Thabo Mabaso, after he went to the station to report a traffic accident. The officers responsible were initially suspended, then reinstated and transferred to another police station pending their trial. On July 7, nine officers were charged for the beating. On August 30, six of the officers were acquitted; three were convicted and sentenced to prison terms ranging from 3 to 5 years.

The Government made efforts to address abuses with an official antitorture policy and training programs for police and SANDF officers. Broad efforts to reform police practices continued to reduce abuses, and the ICD investigates reports of police misconduct and corruption (see Section 1.a.). In November 1999, the SAPS Training Division initiated a human rights program; by September 15, over 15,000 of the estimated 90,000 targeted officers had undergone training. The largest number of officers have been trained in the Western Cape province, and officials credited the training with an increase in police disciplinary actions in the province.

The SAPS continued to undergo sweeping, mostly positive changes, including the institution of reforms designed to create partnerships between local police forces and the communities that they serve. Resignations and retirements of senior police offi-

cials have permitted the infusion of new personnel at senior levels, from both inside and outside the SAPS; these appointments also have served to promote affirmative action within the SAPS. However, the SAPS has been left with deficiencies in mid-level leadership, and institutional memory that have been harmful to its overall performance. The SAPS continued to be understaffed, overworked, and undertrained.

There was a consistent pattern of attacks and killings between ANC and IFP members in the province of KwaZulu Natal; however, the level of violence diminished during the year (see Section 1.a.).

There were a number of bombings during the year, which resulted in numerous casualties, including 9 pipe and car bomb explosions in Cape Town, for which no organization claimed responsibility (see Section 1.a.). This represents a decline from the 80 bomb explosions that occurred in 1999. Since November 1998, 16 PAGAD members were convicted and 14 were acquitted in connection with urban terror attacks (see Section 1.a.). In July D. Essop and R. Shaik were sentenced to 7 years in prison for possession of a pipe bomb.

There were incidents of abuse, including killings, of black farm laborers by their white employers, and NGO's claim that rural police and courts refuse to arrest whites in many incidents (see Section 1.a.).

There were a few illegal strikes that resulted in some worker violence, in particular incidents of intimidation and threats of violence by striking workers against nonstriking and replacement workers. In December during a legal strike of security guards, strikers used intimidation and violence against nonstriking and replacement guards and also against journalists covering the strike. Nonstriking security guards were harassed by groups of strikers while taking public transportation; the groups stripped them, forced them to lay down in dirt, and beat them. Two guards were shot to death in December in Cape Town in what police believe was a strike-related attack (see Section 1.a. and 6.a.).

Conflict between warring taxi companies led to gun battles and other street violence, and resulted in the deaths and injuries of bystanders in several cities (see Section 1.a.).

Vigilante action and mob justice resulted in attacks on suspected criminals and drug dealers, some of whom were tortured (see Section 1.a.).

Xenophobia is a growing problem. Xenophobia was expressed in institutional and social interactions with foreigners, particularly those from other African countries. There were a number of violent attacks on foreigners, including refugees and asylum seekers. Many of those attacked were hawkers and street vendors. Foreigners faced harsh reactions from antiimmigrant groups such as the Unemployed Masses of South Africa, which criticized immigrants for job losses, and in August demonstrated against employers who hired noncitizen workers. NGO's continued to encourage the Government to give equal access to health, education, and legal protection to foreigners. The U.N. High Commission on Refugees (UNHCR), the National Consortium on Refugee Affairs, and the Human Rights Commission (HRC) continued their "Roll Back Xenophobia" campaign to raise public awareness of the situation and rights of refugees and the difference between refugees and economic migrants. The campaign has produced publications and organized several public relations events.

Three suspects were arrested for a series of bombings in January 1997, including a mosque in Rustenberg that injured two persons; the trial concluded during the year, but the sentence was not announced by year's end (see Section 5).

Prison conditions do not always meet the country's minimum legal requirements. Food, especially for prisoners with HIV/AIDS and other medical problems, frequently is of poor quality and quantity. NGO's reported that prison employees steal food from prisoners. Although prisoners generally have access to health care, prison officials sometimes withheld prescribed treatment as punishment. Severe overcrowding in some prisons led to poor health; as many as 75 inmates may occupy a cell designed to hold 40 inmates. The Department of Correctional Services (DCS), which manages prisons, reported that in July there were 169,000 prisoners in facilities designed to hold only 101,000. In September 8,262 prisoners awaiting trial but unable to post bail due to poverty were released in an effort to reduce overcrowding. There were abuses of prisoners, including physical and sexual assaults by prison employees and other prisoners. Press reports indicated that detainees awaiting trial contracted HIV/AIDS through rape. Male and female prisoners are held separately; however, female prison wards are often on the same grounds as male wards, and Amnesty International reported rapes of women by other prisoners.

Juveniles between the ages of 14 and 18 accused of serious crimes, including murder or rape, sometimes are placed in pretrial detention in prisons with adult offenders (see Section 5). DCS statistics from May documented that there were 27,638 youth offenders (prisoners under age 21), 4,253 of whom were 17 years of age or

younger. Juveniles normally are not housed with adults; however, in August 200 juveniles under 18 years of age awaiting trial were transferred to secure care centers after it was discovered that they were detained with adult prisoners and receiving insufficient medical attention at Pollsmoor Prison near Cape Town. There were credible reports that youths from juvenile wards were sold to adult prisoners for purposes of rape. In June a 17-year-old prisoner died in Johannesburg prison after being repeatedly raped by adult prisoners.

In 1997 the Government commissioned the first of several planned "C-MAX" prisons in Pretoria. C-MAX prisons are designed to hold the country's most dangerous criminals. Human rights groups have raised serious concerns regarding C-MAX facilities, including the Government's criteria for transferring prisoners from other prisons to a C-MAX facility and the restrictive, solitary conditions of the prisons themselves. No additional CMAX prisons were opened by year's end, but a new prison based on the C-MAX model was under construction and scheduled to begin operations in April 2001.

Parliament passed legislation in late 1998 to restructure the prison service and bring prison law in line with the Constitution. Parts of the Correctional Services Act went into effect in 1998; although additional sections relating to the treatment of prisoners went into effect during the year, sections on parole board policy were not yet implemented. The parole boards still are staffed by lower ranking DCS employees, to which NGO's have attributed the low number of parole decisions and an exacerbation of the overcrowding conditions in prisons.

A Judicial Inspectorate for prisons began operations during 1999, and a number of civilian prison visitors were appointed throughout the country. Visits were conducted during the year; however, most visitors were not trained in legal matters. Those who received some training from NGO's generally were more successful in encouraging compliance with regulations on inmate treatment.

The Government generally permits independent monitoring of prison conditions, including visits by human rights organizations; however, only those organizations that are able to send legal practitioners are allowed to visit prisons. Other prisoners' rights organizations routinely are denied access.

d. Arbitrary Arrest, Detention, or Exile.—The Bill of Rights prohibits detention without trial, and the Government generally respects this right in practice. It also provides that every detained person has the right to be informed promptly of the reasons for the detention; to be advised promptly of the right to remain silent and the consequences of waiving that right; to be charged within 48 hours of arrest; to be detained in conditions of human dignity; to consult with legal counsel at every stage of the legal process; to communicate with relatives, medical practitioners, and religious counselors; and to be released (with or without bail) unless the interests of justice require otherwise.

Courts and police generally respected these rights; however, there was a continuing problem with bringing detainees to trial expeditiously. According to the HRC, prisoners wait on average for 6 months to be tried in the regional courts and 6 months to 1 year in the high courts; however, in extreme cases detention may extend up to 2 years. This problem primarily is the result of an understaffed, underfunded, and overburdened judiciary (both magistrates and prosecutors), with more cases than can be handled efficiently (see Section 1.e.). Human rights groups, judges, and judicial scholars continued to express concern about the Criminal Procedure Second Amendment Act of 1997, which mandates minimum jail sentences and prohibits bail in certain cases, thus raising concern about judicial independence and civil liberties.

There were reports that authorities abused detainees awaiting deportation. In December the HRC reported that immigrants in Lindela Repatriation Centre experienced long detentions and abuse (see Sections 1.c. and 2.d.).

There were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent and impartial judiciary subject only to the Constitution and the law, and the Government respects this provision in practice.

Under the Constitution, the Constitutional Court is the highest court for interpreting and deciding constitutional issues, while the Supreme Court of Appeal is the highest court for interpreting and deciding other legal matters. Generally magistrates' courts and high courts are the courts of original jurisdiction in criminal cases.

Judges and magistrates hear criminal cases; the jury system was abolished in 1969. The presiding judge or magistrate determines guilt or innocence. The 1998 Magistrates Court Amendment Act made it compulsory to have a panel of lay assessors hear cases along with a magistrate in cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may

overrule magistrates on questions of fact. Magistrates also are required to use their discretion in using assessors in an advisory capacity in bail applications and sentencing. The Office of the National Director of Public Prosecutions (the so-called super Attorney General) exercises national control over prosecution policy and applies a consistent national policy for the prosecution of offenses. There are nine provincial directors and offices to coordinate and streamline prosecutions.

The Bill of Rights provides for due process, including the right to a fair, public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state-funded legal counsel when "substantial injustice would otherwise result." In practice the law functions as intended; however, a general lack of information on the part of accused persons regarding their rights to legal representation and the Government's inability to pay the cost of those services are continuing problems. There were serious backlogs in the numbers of cases that have gone to trial. In July the National Prosecuting Authority reported that there were approximately 140,000 cases awaiting hearings. There was public concern about the capacity of the criminal justice system to deal with the high level of crime, as well as the continuing political violence in KwaZulu-Natal and elsewhere. The resurgence of vigilante justice substantiates this concern (see Section 1.a.).

Some human rights groups expressed concern with parts of laws passed in 1997 that provided minimum sentencing guidelines and refusal of bail for certain serious offenses, stating that they would harm judicial independence and limit civil liberties. The law mandating minimum sentences came into force in 1998. The new bail law was upheld by the Constitutional Court in 1999. In December the South African Law Commission submitted a report to the Minister of Justice on the effects of minimum sentencing laws. The report showed that there remained disparities in the application of the sentencing guidelines, mostly at the regional level. Courts have the authority to depart from the guidelines if "substantial and compelling circumstances" justify it. Some human rights groups continued to have concerns about the effects of the minimum sentencing laws. The new laws have affected prison overcrowding by imposing an increased number of long-term prison sentences.

The Government and legal bodies have acted to redress historic racial and gender imbalances in the judiciary and the bar. The ranks of judges, magistrates, senior counsels, and attorneys are more reflective of society, although they still fall far short of a representative composition. The majority of judges of the Constitutional and High Courts remain white and male. Magistrates courts continue to face large case loads and a shortage of resources.

The TRC continued to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses (see Section 4).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

On January 25, Parliament passed the Promotion of Access to Information Act. Although the purpose of the act was to increase transparency, opposition parties and human rights NGO's objected to it because it includes a broadly-defined provision that enables the Government to access individuals' personal information.

On July 30, SAPS members, claiming to be searching homes for illegal weapons, shot and killed an ANC Member of Parliament, Bheki Mkhize, in his parents' home in Mahlabathini; the officers reportedly did not have a warrant to enter the home (see Section 1.a.).

In 1994 the Redistribution of Land Rights Act established the Constitutional Land Court and the Commission on Restitution of Land Rights. The Land Court's mission is to settle cases previously screened and evaluated by the Commission. Claims only can be filed for land dispossessions following the promulgation of the Natives Land Act of 1913, although this does not include dispossessions that occurred in 1913, the year of the Government's most significant land redistribution in favor of whites. The various forms of compensation offered to claimants are the return of the original land, a deed to another piece of land, financial remuneration, or preferential access to government housing. A deadline of December 31, 1998 was set for receiving claims. There is no deadline for completion of the claim settlements, and the pace at which cases are moving is slow. By the December 1998 deadline, the Commission had received 67,531 claims; some claims represent several households. The Commission is scheduled to determine which claims are valid by the end of 2001. At year's end, 8,288 claims had been settled, allotting land or money to 20,473 households. A provision passed by Parliament in late 1997, allowed the Ministry of Land Affairs

to offer settlements without first going to court, and has expedited the resolution process.

In May following land reform disturbances in a neighboring country during the year, the media reported on a series of farm occupations by landless farm workers in KwaZulu-Natal and Mpumalanga. Subsequent information showed that there was no organized effort to seize land, and the occupations were by either longtime squatters or claimants frustrated by long delays from the Commission on Restitution of Land Rights. On May 10, President Mbeki stated before Parliament that the Government would not tolerate land seizures.

There were reports of persons accused of witchcraft being driven from their villages in rural communities (see Section 1.c.).

There are three known villages in the Northern Province in which persons accused of witchcraft and their families were offered unused land by traditional leaders. The villages have no running water or electricity. Although some persons accused of witchcraft returned to their homes, many persons remained in the villages and requested government assistance for schools and basic infrastructure.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice; however, these rights can be limited by law in some circumstances. Several apartheid-era laws that remain in force pose a potential threat to media independence. In addition, the Constitution bans the advocacy of hatred based on race, ethnicity, gender, or religion that constitutes incitement to cause harm. Nevertheless, the press criticizes both the Government and the opposition.

Several laws remain in effect that permit the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. While these laws have not been employed often, journalists perceive them to be a threat to constitutional free press rights. The Criminal Procedure Act may be used to compel reporters to reveal their sources. In June 1999, the South African National Editors' Forum (SANEF) launched a media campaign to compel changes to legislation that restricts the free flow of information. In July 1999, SANEF and the Government reached an informal agreement to introduce safeguards to prevent the use of the Criminal Procedure Act against journalists; however, in September 1999 the Provincial Director of Public Prosecutions decided to invoke a section of the Criminal Procedure Act against an unnamed person. The Act reportedly was not invoked officially by year's end. The SANEF continued to push without success for a formal amendment of the Act that would ensure this agreement.

In June the National Police Commissioner announced that the Government would withhold the release of current crime statistics and other information to the public, on the grounds that crime statistics could not be verified and statistics-gathering methods were inaccurate. He stated that the embargo was temporary but did not set a date for it to be lifted. Judge Willem Heath stated that his anticorruption unit also would reduce the amount of information given to the public regarding the progress of his special investigations.

The Government used both legislative and structural means to encourage greater diversity in the media. The media offer a broad range of news, opinion, and analysis. Coverage of news and expression of opinion is vigorous. High-ranking government officials on occasion have reacted sharply to media criticism of government programs and problems, and have at times accused journalists, particularly black journalists and editors, of disloyalty. Some journalists express concern that the Government would like to control the media. A larger number of journalists believe that the Government's sensitivity to criticism causes self-censorship in the media.

In October police officers raided the offices of the South African Broadcasting Corporation (SABC), Reuters, the Associated Press, and the Mail & Guardian newspaper. Police confiscated material for use in the trial of PAGAD national coordinator Abdus-Salaam Ebrahim and three others in the killing of Rashaad Staggie (see Section 1.a.). On July 5, there were reports that government officials harassed two journalists who were covering a government staff protest. Officials temporarily confiscated a camera, notebook and documents, but later returned them.

All newspapers are owned by conglomerates. In early September, 50 percent of the Natal Witness Publishing Company was sold to the conglomerate Nasionale Pers (Naspers). This sale reflected the growing dominance of the newspaper market by a few companies that feature strong infrastructure and capital investment. One of the prominent companies, New Africa Media, is a black-owned consortium that controls the country's leading black-oriented newspaper, The Sowetan, as well as a

major white-oriented publishing business, Times Media Limited. The Sowetan has the largest daily circulation in the country.

Print media reaches only about 20 percent of the population due to illiteracy, the lack of newspapers in rural areas, and the cost of newspapers. The majority of the population receive the news through radio broadcasts.

The government-owned SABC, a limited liability company, continues to own and control the majority of the television and radio outlets. In April the SABC was scheduled to be split into two operational units: a public broadcasting company and a commercial entity. However, the restructuring had not yet occurred by year's end, and the process is expected to take more than a year. At present the SABC is managed by black executives, provides broadcasting in the country's main African languages, and offers news coverage of the Government and the leading opposition parties. The SABC maintains editorial independence from the Government, although the balance between editorial independence and national interest remains a delicate issue with governmental officials; critics allege that top officials are chosen for political reasons without regard for media expertise or relevant experience. In February the outgoing SABC Board Chairman, Paulus Zulu, raised the concern that the SABC was "dictated to from above" when making editorial decisions.

The first commercial television station, E-TV, has been broadcasting for over 2 years. Although E-TV's signal reaches 75 percent of the population, E-TV's share is consistently only about 10 percent of viewers. Most of E-TV's schedule consists of newscasts and foreign-produced programs; the government is encouraging E-TV to meet its licensing conditions, which would require programming to include at least 30 percent local content. Majority ownership of E-TV is held by Midi Television, a black-owned consortium composed of a number of South African associations and syndicates representing workers, women, and disabled persons.

In addition to E-TV, the SABC competes with two pay-per-view broadcasters, M-NET (encoded UHF transmissions) and MultiChoice (direct from satellite broadcasts); several commercial radio broadcasters; and a large number of low-power, not-for-profit community radio stations. Government broadcast regulators have issued more than 100 community radio licenses since 1994; many of the 80 stations continue to experience financing and personnel retention problems. Nevertheless, community radio provides radio access for the first time to thousands of historically marginalized citizens, providing special event information and news tailored for specific interest groups.

Internet access is unrestricted for persons with the ability to pay for the service. The number of Internet users doubled during the year. All major newspapers maintain Internet sites, most of which are updated daily with the latest news and features.

In August the Human Rights Commission (HRC) published the finding of its investigation into racism in the media. The investigation examined selected publications over a limited period, looking at the issue of subliminal racism and the disproportionate representation of whites in media ownership and newsroom staffing. The Commission's report concluded that: "To the extent that expressions in the media reflect a persistent pattern of racist expressions and content of writing that could have been avoided, the media can be characterized as racist institutions." The report recommended workshops and conferences to sensitize journalists to the risk of racial prejudice in their reporting. This suggestion was supported by the SANEF and the Freedom of Expression Institute (FXI); however, both organizations were less receptive to the Commission's recommendation that a single regulatory authority be established for the media. Although the proposed authority would be funded and under the control of the media, SANEF and FXI assert that radio and television require different controls than newspapers. They are concerned that the Government's alleged attempts to silence expressions of dissent could eventually be codified into law.

A ruling by the Supreme Court in 1998 decreed that journalists who could prove that they had taken all the steps necessary to verify that the information they obtained was genuine and that the articles published as a consequence were reasonable and not negligent would not be liable for defamation. Media freedom advocates noted the ruling as an important change in the allocation of the burden of proof from the media to the plaintiff.

There are several government agencies with media-related responsibilities. Under the South African Communications Regulatory Authority Bill passed in May, the IBA and the South African Telecommunications Regulatory Authority (SATRA) were merged to form the Independent Communications Authority of South Africa (ICASA). Under the new regulations, ICASA has less independence from the Ministry of Telecommunications than was previously granted to the IBA. Additionally the Minister of Telecommunications has a direct role in the awarding of tele-

communication-service licenses. This role came under scrutiny during the extended bidding process for the third cellular license in the country after unsuccessful bidders for the cellular license alleged that the regulator unfairly recommended one bidder for the contract; they sued to have the decision's basis reviewed, but the case was not resolved by year's end. The Government Board of Censors reviews and passes judgment on written and graphic materials published in or imported into the country. The Board has the power to edit or ban books, magazines, movies, and videos. It regularly exercises that power, although with restraint. The Government Communications and Information Service (GCIS) was created in 1998 to coordinate and facilitate communications with the citizenry through its Directorate for Media Diversity and Development, which began operations in 1999.

In December during a legal strike of security guards, strikers used intimidation and violence against journalists covering the strike (see Sections 1.a., 1.c., and 6.a.).

There are no official restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. On May 9, police used tear gas while dispersing a COSATU strike after the crowd reportedly threw stones (see Section 6.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Constitution states that religious instruction at public schools is permitted so long as it is voluntary and religions are treated equally. Many public schools have dropped religious instruction in practice. In schools that do administer religious instruction, students have the right not to attend the religious instruction, and school authorities respect this right in practice. The current syllabus allows local boards to decide whether to include religious instruction in their schools. There are some private religious schools in which religious instruction is required.

Members of PAGAD complained that they were the targets of police brutality (see Section 1.a.). There was no indication that police targeted PAGAD members for investigation because of their religious affiliation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice.

The law contains provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1998 the National Assembly and the National Council of Provinces passed the Refugees Act—framework legislation that codified the country's obligations under the U.N. Convention and its Protocol. The Act's regulations, which delineate actual government procedures and responsibilities, became effective in April. The Refugees Act stipulates that no person shall be expelled, extradited, or returned to any other country if they face persecution due to race, religion, or political affiliation, or when "his or her life, physical safety, or freedom would be threatened." The act also stipulates that designated refugees lose their status if they voluntarily return to their country of origin, take citizenship of another country, or if the circumstances that caused their flight from the country of origin change. However, the act stipulates that in order to renew their temporary residency permits, asylum seekers must return to the town in which they originally lodged their application to be recognized as refugees. Permits that are lost, stolen, or destroyed are not renewed. If found without a valid permit, asylum seekers are subject to arrest, detention, and deportation.

The UNHCR is assisting the Government in processing asylum applications. The regulations implementing the Refugees Act require the Department of Home Affairs to interview asylum seekers within 14 days of entry and to determine their status within 180 days of the interview; however, asylum applications are not efficiently processed by the Department of Home Affairs due to poor management and insufficient resources. There were interview delays of up to 3 months, followed by a 6-month adjudication period, and under new procedures, applicants are prohibited from working or attending school until asylum is granted. Human rights groups have criticized the Department of Home Affairs for not following the provisions of the act. New applicants for asylum and NGO's assisting refugees reported abuse and assaults by immigration authorities and requests for bribes to process applications for permits to remain in the country (see Section 1.c.). On November 28, approximately 300 refugees demonstrated in front of the Department of Home Affairs to protest its refusal to process asylum applications for those refugees without passports. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum, granting applicants the right to work and study. The Department of Home Affairs reported that as of November, 61,120 persons had applied for asylum since 1994. Of this number, 14,735 were granted asylum and refugee status, 24,177 were refused, and 16,053 were awaiting a decision. The majority of recognized refugees came from Somalia, the Democratic Republic of the Congo, and Angola; there also were refugees from Rwanda, Burundi, and the Republic of the Congo.

The majority of illegal immigrants come from Mozambique and Zimbabwe. Illegal immigrants are processed for deportation at a central facility, and sent back to Mozambique and Zimbabwe by weekly trains. Inadequate security on the trains allows many deportees to jump from the train en route, perpetuating the illegal immigration problem. Despite numerous procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the wrongful deportation of aliens legally in the country. However, there were no reports of the forced return of persons to countries where they feared persecution. There were credible reports of overcrowded, unhygienic detention facilities; beatings by security personnel in detention centers; and the theft of money and personal possessions from refugees by security personnel.

In December after a 2-year investigation, the HRC released a report assessing the conditions at the Lindela Repatriation Centre, the largest detention facility for undocumented immigrants in the country. The report described abuses against detainees, which included long detentions, poor conditions, xenophobia, abuse and corruption by officials, and sexual abuse of women. In December the HRC reported that the Department of Home Affairs had not responded to its recommendations, and although the contractor operating the facility had improved conditions, Home Affairs officials continued to assault detainees and subject them to degrading treatment.

Xenophobia led to a number of violent attacks on foreigners (see Section 1.c.).

On November 7, a video taped in 1998 was broadcast on national television showing six white police officers beating and torturing three black illegal immigrants with dogs (see Section 1.c.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage. In June 1999 national elections were held that observers deemed to be free and fair. There was an improved level of overall tolerance during the campaigning and voting period compared with the 1994 elections, attributable to IFP-ANC talks, as well as an increased police presence. Complaints primarily concerned posters being removed or defaced, individuals being threatened because of political affiliation, and other incidents of intimidation.

The new Constitution went into effect in February 1997. Under its terms, the country retains a bicameral parliament, an executive state presidency, and an independent judiciary, including a constitutional court.

The 400-member National Assembly was retained under the Constitution. A National Council of Provinces (NCOP), consisting of six permanent and four rotating delegates from each of the nine provinces, functions as the second chamber of Parliament. The NCOP, created to give a greater voice to provincial interests, must approve legislation that involves shared national and provincial competencies according to a schedule in the Constitution. An 18-member Council of Traditional Leaders, which the Constitution accords an advisory role in matters of traditional law and authority, was inaugurated in 1997.

Two parties, the ANC and the IFP, continued to share executive power, although the ANC dominated the Government and gained in parliamentary strength in the 1999 elections. The ANC fills 24 of the 27 ministerial positions. In 1999 the ANC leader, Thabo Mbeki, succeeded Nelson Mandela as President and Head of State. As a result of the 1999 national elections, the Democratic Party (DP) replaced the New National Party (NNP) as the official opposition in the National Assembly. In June the DP and NNP, along with the Federal Alliance (FA), formed the Democratic Alliance, which is expected to consolidate into a single party as soon as electoral laws permit them to do so. The National Assembly also includes the UDM, the African Christian Democratic Party, the Pan Africanist Congress, the United Christian Democratic Party, the Freedom Front, the Afrikaner Unity Movement, the Azanian People's Organization, and the Minority Front.

Traditional leaders expressed concern over the redrawing of municipal boundaries in anticipation of nationwide municipal elections that were held on December 5. These leaders traditionally have held all of their subjects' agricultural land in trust

for their subjects and have controlled many aspects of social and cultural life in rural areas. They claimed that the new demarcations split and diminished their hereditary status and power bases. They also complained that new municipal structures and legislatures denied them voting rights in local councils, which control development funds for local communities. Although some chiefs advocated a boycott of the December elections, most decided to participate based on an agreement with the Government to negotiate compromise legislation. Negotiations continued intermittently after the December elections; however, there was no agreement on legislation by year's end. There were very few reports of violence or irregularities during the December 5 local elections; however, in the East Rand area of Johannesburg, there were reports that five persons were killed in two incidents of violence that may have been politically motivated (see Section 1.a.).

There are no legal impediments to women's participation in government; however, women are underrepresented in government and politics. Of the 400 National Assembly members, 119 are women, while in the NCOP, 17 of the 54 permanent delegates are women. Women occupy three of four parliamentary presiding officer positions (speaker and deputy speaker of the National Assembly, and chair of the NCOP). Women hold 8 of 27 ministerial positions, as well as 8 of 13 deputy ministerial slots.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. Many organizations participate in governmental bodies that seek to gather public input and to fashion policies related to human rights.

The government-created HRC is tasked with promoting the observance of fundamental human rights at all levels of government and throughout the general population. The HRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. While commissioners were named in late 1995, the HRC's powers were not determined formally until May 1996. Following the August release of its report on the 1999 investigation into racism in the media, opposition parties again questioned the HRC's broad interpretation of its mandate and the impartiality of the Commission. During the year, the HRC began an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners. The HRC report was not released by year's end.

The Office of the Public Protector investigates abuse and mismanagement by the Government, and acts as an office of last resort to which citizens report unfair treatment by government organizations. Such complaints generally take the form of concerns over lost pension checks or unfair hiring practices. The office handles an increasing number of complaints but is hampered by severe resource constraints.

Under its 1995 enabling legislation, the TRC was empowered to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses. Due to the volume of work, the TRC's original 2-year mandate was extended to allow the continuation of amnesty hearings, and the TRC continued to operate freely throughout its 5th year. Its five-volume report was released in 1998, and a codicil is to be added upon completion of the amnesty process. In its report, the TRC found that apartheid was a crime against humanity, that the former apartheid regime was responsible for most of the human rights abuses during the era of its rule, and that the ANC and other liberation movements also committed abuses during their armed struggle. Following a court challenge in 1998, findings on former State President F.W. de Klerk were excised from the report, pending a hearing that has been postponed indefinitely.

By January 1999, 7,112 amnesty applications had been filed with the TRC; no new applications have been accepted since 1997. By September 287 cases remained outstanding, 136 of which remained unheard. An estimated 80 to 90 percent of all applications were from persons already incarcerated. In October 1999, the TRC began amnesty hearings on 10 former members of the Umkhonto we Sizwe, the armed wing of the ANC, for their role in a series of 1986 bar bombings; the case was still pending at year's end. The killers of ANC activist Ruth First were granted amnesty, although relatives of First and other victims challenged the decision in court. During the year, the TRC granted amnesty to a number of other persons, including Eugene de Kock, the principal of the apartheid government Vlakplaas unit (although he remains in custody for other crimes); police officers who killed anti-apartheid activist Stanza Bopape; and the IFP members involved in a massacre

at Boipatong. The TRC still is considering former Minister of Law and Order Adrian Vlok's amnesty applications for several offenses. On September 7, the TRC granted 11 ANC guards amnesty for their participation in the 1994 killing of 8 IFP demonstrators.

The TRC report called for a reconciliation summit to be scheduled in 1999, but had not received a formal response from the Government by year's end. The TRC also called for increased counseling services for victims of trauma, and consideration of a mechanism for restitution, such as a wealth tax. Victims' groups such as Khulumani called for the Government to set aside \$870 million (6 billion rands) for reparation funding according to the TRC formulas. The Government did not approve the TRC's recommendations for an overall payment formula for reparations, which include monetary compensation as well as community support and legal and symbolic reparations, by year's end. The Government had not resolved any of these matters by year's end; however, the processing of emergency financial reparation applications from eligible victims continued, with approximately \$4.4 million (35 million rands) paid by year's end. During the year, interim assistance was given to those considered to be in the greatest financial difficulty. The TRC officially expressed concern regarding delays in implementing reparation measures, along with doubt about the level of government support for reparation funding.

In 1999 the Director of Public Prosecutions stated that his office had established a special unit to set up a process for proceeding against those persons who had failed to ask for amnesty or to whom amnesty had been denied. The unit would establish uniform criteria on which cases should be prosecuted; the criteria would include the strength of evidence available as well as the "implications for national reconciliation." The case against Dr. Basson is the first case pursued by this unit to go to trial (see Section 1.a.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on grounds of race, religion, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, or marital status. Legal recourse is available to those who believe that they have been discriminated against; however, entrenched attitudes and practices, as well as limited resources, limit the practical effect of these protections.

Women.—There is an extremely high rate of violence against women, including rape, assault and battery, and domestic violence. Police reported that the rate of reported rapes was 48.9 per 100,000 persons for the first 5 months of the year. The rate for 1999 was 47.5 per 100,000. The actual population figure and numbers of reported rapes were not published. According to a victims' survey study by Statistics South Africa, a government-related organization, only 47 percent of sexual crimes committed in 1998 were reported to the police. Women's groups estimate the reporting rate to be even lower. Entrenched patriarchal attitudes towards women are a significant factor in underreporting. Abused women have difficulty getting their cases prosecuted effectively and also often are treated poorly by doctors, police, and judges.

The 1998 Domestic Violence Act defines victims of domestic violence, facilitates the serving of protection orders on abusers, provides places of safety for victims, allows police to seize firearms at the scene and arrest abusers without a warrant, and compels medical, educational, and other practitioners working with children to report abuse immediately. The 1993 Prevention of Family Violence Act defines marital rape as a criminal offense, and it allows women to obtain injunctions against their abusive husbands and partners in a simpler, less expensive, and more effective manner than under previous legislation. However, the implementation process is inadequate, as some police are reluctant to enforce the act. As a consequence, a limited number of women filed complaints under the law, despite government and NGO efforts to increase public awareness of it. At year's end, the parliamentary monitoring committee on women's affairs was completing consultations with NGO's and local and national government officials regarding defects in the domestic violence

Female immigrants and asylum seekers were sexually abused during detention. The Lindela Repatriation Centre, the largest facility for the detention of undocumented immigrants in the country, has no special facilities for women, and although male and female detainees resided in separate sections of the Centre, they often used common facilities (see Section 2.d.).

Discrimination against women remains a serious problem despite legal and constitutional protections, particularly in areas such as wages, extension of credit, and access to land. Progress was made in bringing customary law in line with constitutional provisions. The 1998 Recognition of Customary Marriages Bill recognizes customary marriages, both monogamous and polygynous, but it does not address religious marriages, which are not recognized by the law. However, the bill was not implemented by year's end. The bill includes a number of safeguards for women and children, including requiring a minimum age of 18 and the consent of both spouses to enter into such marriages and a court decree to dissolve them. The bill also addresses inequities of property arrangements under some customary laws. The 1998 Maintenance Bill, the final section of which was enacted into law during the year, tightens procedures for child support payments and improves the ability of caregivers, most of whom are women, to collect maintenance payments from partners. Other legislation, such as the Employment Equity Act, which includes both anti-discrimination and affirmative action provisions, and the Basic Conditions of Employment Act, address discrimination against women in the workplace. The legislation reportedly has resulted in an improvement in the numbers of women in professional and technical positions, although it has not had as much effect at the management level. The 1997 Interim Protection of Informal Land Act protects persons who have insecure and informal rights and interests in land; many women are in this category.

Polygyny continues to be practiced by several ethnic groups. Exacting a bride price ("lobola") also is a traditional practice of some ethnic groups.

Recent studies have shown a connection between women and the likelihood of poverty. A women's NGO reported that female-headed households have a 50 percent higher incidence of poverty than male-headed households; that a high proportion of working women live in poor households; and that 61 percent of the elderly poor are women.

A number of governmental and nongovernmental organizations monitor and promote women's rights. The Office on the Status of Women, located in the Deputy President's office, coordinates departmental gender desks, which develop strategies to ensure integration of gender concerns in policy and planning. The Commission on Gender Equality (CGE), a constitutionally mandated body, is authorized to investigate and recommend on gender issues to the President, the Executive Council of the Provinces, and the Legislature.

Student populations on university campuses are becoming more representative of the general population, with previously allwhite universities reaching out to recruit students from black and colored communities. The enrollment of black students had risen to 41 percent in 1999 at the nation's top five universities.

Social programs known as "Presidential Initiatives," which were included in the Government's Reconstruction and Development Program, continued to receive government support. These initiatives offer free health care to pregnant women and to children under 6 years of age and provide nutritious meals for primary school children.

In December 1999, a Cape Town High Court heard a case brought by residents of a squatter camp petitioning for government-provided housing. The court ruled that the children in squatter camps have a constitutional right to housing and, thus, are entitled to state-provided shelter. The court also ruled that the children have a constitutional right to family and therefore, have the right to be accompanied by their family members in the state-provided shelter. The Constitutional Court, the country's highest court, held hearings on the case in May, and ruled that the Government had failed to carry out its obligation to provide housing, but did not rule specifically on the constitutional rights of children to housing.

Violence against children remains widespread. While there has been increased attention to the problem by the Government, the public, and the media, a lack of coordinated and comprehensive strategies to deal with violence crimes continues to impede the delivery of needed services to young victims. Reports of child rape have increased significantly, as have reports that men are committing rape due to a growing myth that having sexual intercourse with a virgin can cure HIV/AIDS.

Traditional circumcision rituals still are practiced on teenage boys in rural areas of the Eastern Cape and KwaZulu-Natal and resulted in the hospitalization, mutilation, or death of several boys and young men. The provincial department of health reported at least 18 deaths, 5 mutilations, and 42 hospitalizations during the summer initiation season that began in September. In December provincial health authorities began to regulate the practice by requiring the presence of trained medical personnel during the rituals.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, still is practiced in some rural areas of the Eastern Cape and KwaZulu-Natal, although it is not thought to be widespread. The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 specifically prohibits FGM as unfair discrimination; however, that provision had not been implemented by year's end.

Child prostitution is on the rise, primarily in Cape Town, Durban, and Johannesburg. There reportedly has been an increase in the number of children who live on the streets, and observers believe that this circumstance has contributed to the growing number of child prostitutes. The child sex industry increasingly has become organized, with children either being forced into prostitution or exploited by their parents to earn money for the family (see Sections 6.c., 6.d., and 6.f.). The 1999 Child Care Amendment Bill, which was implemented in January, prohibits the commercial sexual exploitation of children.

Parliament passed legislation in 1995 prohibiting the detention of unconvicted juveniles in prisons, police cells, or lock-ups. A 1996 law gave courts limited discretion to detain in prison 14 to 18-year-old children who were awaiting trial for serious crimes such as murder or rape. The measure was expected to be temporary pending the establishment of "places of safety," also called "secure care centers," for the detention of juveniles. However, due to delays in the establishment of such centers, provisions of the 1996 law lapsed. Amid concerns that dangerous juvenile offenders were being released to return to the streets, additional legislation was passed in 1998 to regulate limited pretrial detention of juvenile offenders accused of serious crimes. The law states that any child under the age of 14 must be released within 24 hours into the custody of a parent or guardian when possible. In August 200 juveniles awaiting trial were transferred to secure care centers after it was discovered that they were being held with adult prisoners and receiving insufficient medical attention at Pollsmoor prison near Cape Town (see Section 1.c.). Immigrant children detained in the Lindela Repatriation Centre received the same general treatment as adult detainees, were not provided with separate sleeping facilities from adults, and were not always provided with food and clothing by the facility (see Sections 1.c. and 2.d.).

There were reports that children were trafficked for forced prostitution and forced labor (see Section 6.f.).

People with Disabilities.—The Constitution prohibits discrimination on the basis of disability. Society is increasingly open to the concept of persons with disabilities as a minority whose civil rights must be protected. The Government attempts to en-

sure that all government-funded projects take account of the needs of disabled citizens. However, in practice government and private sector discrimination against the disabled in employment still exists. According to an NGO, the Affirmative Action Monitor, fewer than two-thirds of companies target the disabled as part of their affirmative action programs. The law mandates access to buildings for the disabled, but such regulations rarely are enforced, and public awareness of them remains minimal. The Employment Equity Act requires private firms with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for the disabled. The National Environmental Accessibility Program, an NGO comprising disabled consumers as well as service providers, has established a presence in all nine provinces to lobby for compliance with the regulations and to sue offending property owners when necessary.

Religious Minorities.—Relations between the various religious communities generally are amicable. However, there is a concern among some Christians about the perceived growing influence of political Islam. Reports of violence perpetrated by PAGAD have fueled these concerns.

PAGAD portrays itself as a community organization opposed to crime, gangsterism, and drugs; however, it is known for its violent vigilantism (see Section 1.a.). PAGAD is a multifaith movement, although its orientation is Islamic and the vast majority of its members are Muslim. PAGAD is most active in the Western Cape, but also has branches elsewhere in the country. Surveys indicated that some two-thirds of Muslims supported PAGAD soon after its inception in 1995, but that figure has dropped significantly since. While PAGAD continues to lose support when it is linked to violent acts, it gains sympathy when high-profile incidents occur that are perceived by the Muslim community to have been acts of discrimination against Muslims.

There were occasional reports of killings linked to the continued practice of witchcraft in some rural areas (see Section 1.a.). In the Northern Province, where traditional beliefs regarding witchcraft remain strong, officials reported dozens of killings of persons suspected of witchcraft. The Government has instituted educational programs to prevent such actions.

In December 1998, a synagogue in Wynberg was bombed. Four suspects were arrested, and their trials were scheduled to be heard in 2001.

In January 1997, a mosque in Rustenberg was damaged in a series of bombings that also struck a post office and a liquor store. In September Pieter Nel, Christian Harmse, and Pierre Jacobs, believed by authorities to be affiliated with the right wing Afrikaaner Weerstandsbeweging group, were convicted on charges that included attempted murder, possession of explosives, and sabotage, and were sentenced in September to prison terms ranging from 16 to 19 years.

Indigenous People.—The Constitution provides for the recognition of “the institution, status, and role of traditional leadership,” and requires the courts to “apply customary law when that is applicable, subject to the Constitution and any legislation that specifically deals with customary law.”

The Constitution further permits legislation for the establishment of provincial houses of traditional leaders and a National Council of Traditional Leaders to deal with matters relating to traditional leadership, the role of traditional leaders, indigenous and customary law, and the customs of communities that observe a system of customary law. Six provinces have established houses of traditional leaders. Under the terms of the Constitution and implementing legislation, the National Council of Traditional Leaders was inaugurated in 1997. The Council is to advise the Government on matters related to traditional authorities and customary law. However, much work remains to be done to integrate traditional leadership and customary law into the formal legal and administrative system. No agreement had been reached by year’s end (see Section 3).

National/Racial/Ethnic Minorities.—The Constitution and Bill of Rights prohibit discrimination on the basis of race, ethnic or social origin, or culture. The Government continued efforts to reorganize and redesign the educational, housing, and health care systems to benefit all racial and ethnic groups in society more equally. The Employment Equity Act of 1998 prohibits discrimination on 19 grounds and requires companies with 50 or more employees to ensure that previously disadvantaged groups—defined as blacks, women, and the disabled—are adequately represented at all levels of the workforce. By December all such companies were required to submit affirmative action plans to the Department of Labor. In October the Minister of Labor stated that senior management positions in 2,170 large employers (those with 150 or more employees) that reported on time and in the correct format reported 28 percent blacks and 24 percent women in those positions. This result indicated no significant change from baseline figures recorded in 1998. Blacks and women comprise 79 percent and 40 percent, respectively, of the economically

active population. The employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action. No figures are available on the disabled. The armed forces have struggled with the process of integrating blacks into the predominantly white officer corps (see Section 1.a).

Xenophobia led to a number of violent attacks on foreigners (see Sections 1.c. and 2.d.).

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons (see Section 1.a.). There also were reports that white employers abused and killed black farm laborers, but avoided penalty due to collusion with the authorities (see Section 1.a.).

On August 30, the Government sponsored a 3-day National Conference on Racism in Johannesburg, which was organized by the HRC, NGO's, and government representatives. Approximately 1,000 citizens and 20 international visitors attended.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right to strike, and these rights are given statutory effect in the 1996 Labor Relations Act (LRA). All workers in the private sector are entitled to join a union. Workers in the public sector, with the exception of members of the National Intelligence Agency and the Secret Service, also are entitled to join a union. In 1999 the Constitutional Court struck down the prohibition on members of the National Defense Force joining a union, although they still may not strike. No employee may be fired or discriminated against because of membership in or advocacy of a trade union. Union membership in the private sector has continued to decline steadily in the last few years as a result of job layoffs and declining employment, including in sectors that have been heavily unionized, such as mining. However, some public sector unions have experienced growth. Total union membership is approximately 3.3 million persons, nearly 35 percent of those employed in the wage economy.

The largest trade union federation, COSATU, is aligned formally with the African National Congress and the South African Communist Party (SACP). Several ANC members of Parliament and of the Cabinet have a COSATU leadership background, and the current premier of Gauteng, the country's richest province, is a former COSATU general secretary. COSATU's largest rival, the Federation of Unions of South Africa (FEDUSA), is an apolitical, multiracial federation that was formed in 1997 by merging several smaller worker organizations. A relatively minor labor federation, the National Council of Trade Unions (NACTU), is independent of any political grouping. Some unions do not belong to any federation.

The LRA is designed to create an industrial relations regime that is stable and recognizes that basic worker rights need to be protected. The act, which applies to both the public and private sectors, protects workers against unfair dismissal, recognizes their right to form trade unions, provides for the right to strike, and establishes a simple set of procedures that protect striking workers from the threat of dismissal. Essentially, for a strike to proceed, all that is required is that a dispute be referred for conciliation. There is no time limit on conciliation efforts; however, if conciliation fails to resolve the dispute, or lasts more than 30 days, a trade union is entitled to advise an employer of intent to strike so long as it gives 48-hours notice to a private sector employer or 7-days notice to a state employer. Organized labor also has the right to engage in "socioeconomic protest," whereby workers can demonstrate, without fear of losing their jobs, in furtherance of broader social issues. The LRA also allows employers to hire replacement labor for striking employees, but only after giving 7 days' notice to the striking trade union. Employers have the right to lock out workers if certain conditions are met.

The LRA applies to public as well as private sector workers. Public sector employees, with the exception of essential services and the three components of the security services, also have the right to strike. Strikes by workers in essential services, for example, police and hospital workers, are prohibited. If disputes between workers in essential services and their employers cannot be resolved through collective bargaining or conciliation, they are referred to arbitration.

COSATU held a 1-day nationwide general strike on May 10 which was the culmination of a 3 1/2 "rolling mass action," consisting of lunchtime demonstrations and successive provincial-level strikes building up to the general strike, to protest job losses throughout the economy. Some COSATU members reportedly clashed with police during the strike, and police used tear gas after the crowd reportedly threw stones. There were a few illegal strikes that resulted in some worker violence, including a strike against a Volkswagen manufacturing facility in Eastern Cape in

January and an illegal strike of municipal workers in Johannesburg in July (see Section 1.c.).

There were incidents of intimidation and threats of violence by striking workers against nonstriking and replacement workers. In December during a legal strike of security guards, strikers used intimidation and violence against nonstriking and replacement guards and also journalists covering the strike. Nonstriking security guards were harassed and beaten by groups of strikers while taking public transportation. Two guards were shot to death in Cape Town in what police believe was a striker-related attack (see Section 1.a.).

The Government does not restrict union affiliation with regional or international labor organizations. COSATU, FEDUSA, and NACTU are affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law defines and protects the rights to organize and bargain collectively. The Government does not interfere with union organizing and generally has not interfered in the collective bargaining process. The LRA statutorily provides for “organizational rights,” such as trade union access to work sites, deductions for trade union dues, and leave for trade union officials, which strengthens the ability of trade unions to organize workers.

Union participation as an equal partner with business and government in the National Economic Development and Labor Council, a tripartite negotiating forum, ensures a direct voice for labor in the formulation of economic, social, and labor policy.

The LRA allows for the establishment of workplace forums that are intended to promote broad-based consultation between management and labor over issues such as work organization, corporate downsizing, and changes in production processes. The forums, in order to receive statutory protection, can be established by trade unions only in businesses with more than 100 employees. Although trade unions in a few factories have established workplace forums, the intent of the law is to build wide support within the trade union movement and business for such cooperative workplace relationships.

Although 1994 labor laws protected farm workers, the COSATU-affiliated South African Agricultural, Plantation and Allied Workers’ Union (SAAPAWU), and the NACTU-affiliated National Union of Farmworkers have encountered difficulties trying to organize farm workers, because union organizers are considered trespassers on private property. There were many incidents of physical abuse of farm workers, non-payment of wages, and other forms of arbitrary treatment (see Section 1.a.). During the year, the Department of Labor conducted a survey on the prevailing conditions in the agricultural sector, which was ongoing at year’s end.

To further reduce the adversarial nature of labor relations, the LRA also created a Commission for Conciliation, Mediation, and Arbitration (CCMA). Since its inception in 1996, the CCMA has resolved successfully many disputes referred to it and remains critical to the emergence of a less confrontational business climate. The CCMA also gradually is beginning to play an interventionist role by becoming involved in disputes before they deteriorate into full-fledged strikes or lockouts. A labor court and a labor appeals court are other important creations of the LRA. The labor court has jurisdiction to resolve disputes that the CCMA is unable to mediate to the satisfaction of both parties. Notwithstanding the existence of the CCMA and specialist courts for labor disputes, the aim of industrial relations is to minimize the need for judicial intervention in labor relations, leaving it to the contending parties to resolve disputes whenever possible.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor by adults is illegal under the Constitution; however, there were reports that smugglers used the country as a transit and destination point for trafficking in persons for the purposes of forced prostitution and forced labor (see Section 6.f.). The Constitution prohibits forced child labor; however, there were reports that children were trafficked, forced into prostitution, or exploited by their parents to earn money for their families (see Sections 5 and 6.f.). A 1999 survey conducted by Statistics South Africa reported that up to 2,000 children work to pay off outstanding debts to employers or obligations to their landlords (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Basic Conditions of Employment Act of 1997 makes it a criminal offense to employ a child under 15 years of age. It is a criminal offense to employ a child between 15 and 18 years of age if such employment “places at risk the child’s well-being, education, physical or mental health, or spiritual, moral or social development.” This policy is enforced effectively in the formal nonagricultural sector and less effectively in other sectors by Department of Labor inspectors, who are required to ensure that all of their inspections address child labor problems. The inspectors attempt to resolve any problems by counseling employers, child workers, and parents, and by cooper-

ating with the Departments of Welfare and Education. Criminal prosecution is reserved for "extreme circumstances," and there have been no prosecutions to date.

Many children, especially in the rural areas of the former "homelands" where electricity and running water are rare, are expected to help with household chores and school maintenance. According to a survey conducted by Statistics South Africa in 1999, 45 percent of children between ages 5 and 17 worked for 1 hour or more per week in an economic activity, 5 hours or more per week in school labor, or 7 hours or more in household chores. The most common economic activity in which children participated was gathering wood and water for domestic use, which occupied 4.5 million of the 13.4 million children between the ages of 5 to 17 years for 1 hour or more per week. Of the 2 million children who spent at least 1 hour per week in activities for pay, profit, or family economic gain, 59 percent were involved in agriculture and 33 percent in trade. A survey noted that of the 13.4 million children between the ages of 5 and 17, 17.8 percent were engaged in subsistence farming, 5.3 percent in services, 0.4 percent in manufacturing, 0.1 percent in transport, 0.1 percent in informal finance, and 0.05 percent in construction and mining.

Child laborers from Zimbabwe and Mozambique work in the country on commercial farms, for the taxi industry, or as domestic servants.

Child prostitution is a growing problem in metropolitan areas (see Section 5). NGO's estimate that there are 10,000 children working as prostitutes in Johannesburg and at least 1,000 in Cape Town. Along trucking routes child prostitutes are sought after because of the belief that they are more likely to be disease-free or that, if they are virgins, sex with them cures diseases such as HIV/AIDS (see Section 5). The Government previously had established a task force to develop a plan of action to combat the sexual exploitation of children, and has created training courses for the police force and the judiciary regarding the problem.

The Government has stated that it is committed to abolishing child labor through new legislation and improving the enforcement of current child labor laws. In 1998 the Department of Labor established a Child Labor Inter-sectoral Group (CLIG) composed of representatives of trade unions, employers' organizations, NGO's, and officials of the Departments of Labor, Welfare, and Education. The CLIG debates policy options and ensures coordination of initiatives between these different groups.

Following the Government's ratification of International Labor Organization Convention 182 on the Worst Forms of Child Labor in June, the Department of Labor began provincial consultations in order to develop and complete a comprehensive program of action to implement the convention.

The Constitution prohibits children under the age of 18 from participating in armed conflict. The minimum age for military recruitment is 17 years.

Forced or bonded labor by children is illegal under the Constitution; however, there were reports that children were trafficked, forced into prostitution, and that some children work in conditions that amount to bondage (see Sections 5, 6.c. and 6.f.).

e. Acceptable Conditions of Work.—There is no legally mandated national minimum wage. Unionized workers in the formal sector of the economy set wage rates on an industry-by-industry basis through annual negotiations with employer organizations. Such wages generally are sufficient to provide a decent standard of living for a worker and family. In those sectors in which workers are not organized sufficiently to engage in the collective bargaining process, the Basic Conditions of Employment Act, which went into effect in 1998, gives the Minister of Labor the authority to set wages, including, for the first time, for farm laborers and domestic workers. However, income disparities between skilled and unskilled workers and the income distribution gap between rural and urban workers mean that many workers are unable to provide a decent standard of living for themselves and their families.

The Basic Conditions of Employment Act standardizes time-and-a-half pay for overtime, establishes a 45-hour workweek, and authorizes 4 months of maternity leave for women. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the act concerning overtime and leave.

Occupational health and safety issues are a top priority of trade unions, especially in the mining and heavy manufacturing industries. Although attention to these issues has increased significantly, including passage in 1993 of the Occupational Health and Safety Act, the country's industrial and mining processes are dangerous and sometimes deadly. Government attempts to reduce mining fatalities culminated in the 1996 Mine Health and Safety Act, which went into effect in January 1997. The act provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. Moreover, it establishes a tripartite mine health and safety council and an inspectorate of mine health and safety, which is tasked with enforcing the act and monitoring compliance with its provisions. The act specifically makes it an offense for a company to discriminate against an em-

ployee who asserts a right granted by the act (for example, to leave a hazardous work site) and requires mine owners to file annual reports that provide statistics on health and safety incidents for each mine being worked.

There are no laws or regulations in other industries that permit workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the Protected Disclosures Act protects employees from retaliation who, with "reasonable belief that the health or safety of an individual has been, is being, or is likely to be endangered," disclose dangerous workplace conditions to the appropriate authorities.

f. Trafficking in Persons.—The Alien Control Act prohibits trafficking in persons; however, the country is a transit and destination point for the trafficking of persons from Mozambique, Zimbabwe, Thailand, and other countries for forced prostitution and forced labor. Women and children reportedly are lured into the country by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into the country. Women from Thailand, China, and Russia were trafficked into the country for prostitution by Chinese and South African organized crime syndicates. While many of these women come willingly, some claim that they were tricked into coming, or that they were forced to continue working as prostitutes until they had paid off the cost of their transport.

The country is also a transit point for trafficking operations between developing countries and Europe, the United States, and Canada. Migrants from foreign countries, particularly China, India, the Middle East, Eastern European countries, and other African countries, are lured to the country with accounts of money and jobs in the West. Once in the country they are provided with documentation and accommodation before being moved on to final destinations, where they are forced into prostitution, drug dealing, or other criminal activity, or forced to work in factories as virtual slaves until they pay off the debt of their travel expenses. Traffickers apparently have identified the country as one in which temporary entry permission often is granted, fraudulent documents are easy to obtain, and direct flight and shipping routes are available to most countries in the developed world.

The Government made efforts to address the trafficking problem with investigations and arrests by the police. These efforts are hampered by police corruption, lack of training, and understaffing. In February police discovered prostitutes from Thailand, Bulgaria, Russia, the Czech Republic, Romania, and Zambia at a brothel near Johannesburg, and arrested the owner. Some of the women were returned to their home countries, and the case against the owner was ongoing at year's end. The courts generally deal with trafficking through deportations and fines, rather than exacting criminal penalties.

SUDAN

The 1989 military coup that overthrew Sudan's democratically elected government brought to power Lieutenant General Omar Hassan Al-Bashir and his National Salvation Revolution Command Council (RCC). Bashir and the RCC suspended the 1985 Constitution, abrogated press freedom, and disbanded all political parties and trade unions. In 1993 the RCC dissolved itself and appointed Bashir President. Presidential and parliamentary elections were held in December. All major opposition parties boycotted the elections, and there were allegations of official interference and electoral fraud. Bashir was elected to another 5-year term, and the National Congress/National Islamic Front (NC/NIF) won 340 out of 360 seats in Parliament in the deeply flawed process. Despite the adoption of a new Constitution through a referendum in June 1998, the Government continued to restrict most civil liberties. Since 1989 real power has rested with the NIF, founded by Dr. Hassan al-Turabi, who became Speaker of the National Assembly in 1996. In November 1998, the NIF renamed itself the National Congress (NC); NIF/NC members and supporters continue to hold key positions in the Government, security forces, judiciary, academic institutions, and the media. In December 1999, Bashir declared a 3-month state of emergency, dismissed Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. On March 12, the state of emergency, which suspends basic civil liberties including freedom of expression and association, was extended until the end of the year, and in late December it was extended for another year. In May Bashir expelled Turabi from the NC, which prompted Turabi to create a new political party, the Popular National Congress Party (PNCP). The judiciary is subject to government influence.

The civil war, which is estimated to have resulted in the death of 2 million persons, continued into its 18th year. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA). The SPLA remains the principal military force in the insurgency. In April 1997, the South Sudan Independence Movement/Army, which broke away from the SPLA in 1991, and several smaller southern factions concluded a peace agreement with the Government. However, the SPLM/SPLA and most independent analysts regard the 1997 agreement as a tactical government effort to enlist southerners on the Government's side. The 1997 agreement remains largely unimplemented, and there was significant fighting between pro-government and antigovernment elements who had signed the 1997 agreement during the year. In December 1999, Rieck Machar, a Southern leader who had signed the agreement, broke away from the Government and in January formed a new rebel movement, the Sudan People's Democratic Front (SPDF). The SPLM/SPLA and its northern allies in the National Democratic Alliance (NDA) carried out military offensives in limited areas along the borders with Ethiopia and Eritrea and in large parts of the south during the year. As in 1999, neither side appears to have the ability to win the war militarily; although oil revenues allowed the Government to invest increasingly in military hardware. There was no significant progress toward peace during the year. Government and SPLM/SPLA delegations met with mediators from the Kenyabased Peace Secretariat four times during the year and participated in Inter-governmental Authority for Development (IGAD)-mediated peace talks. The Bahr El Ghazal humanitarian cease-fire, which began in July 1998, was extended by both the Government and the SPLM several times in 1999, and in August 1999, the Government offered a comprehensive ceasefire, which in October 1999 it extended through January 15. However, the Government continued its bombing campaign during this period. The SPLM similarly extended its cease-fire through the same dates, but effectively limited its offer to the humanitarian cease-fire as agreed to in Bahr El Ghazal. In June the SPLA launched an offensive in Bahr El Ghazal and fighting between the Government and the SPLM resumed, marking the end of the humanitarian cease-fire.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintains an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the Public Order Police (POP), whose mission includes enforcing proper social behavior, including restrictions on alcohol and "immodest dress." The Popular Police Force, which was made up of nominees from neighborhood popular committees for surveillance and services, was disbanded during the year. Members of the security forces committed numerous, serious human rights abuses.

Civil war, economic mismanagement, over 4 million internally displaced persons (IDPs) in a country of an estimated 27.5 million persons, and, to a lesser extent, the refugee influx from neighboring countries have devastated the country's mostly agricultural economy. Approximately 80 percent of the labor force is engaged in agriculture. Exports of gum Arabic, livestock, and meat accounted for more than 50 percent of export earnings. Private investment in the oil sector led to significant increases in oil production during the year. Reforms beginning in the early 1990's aimed at privatizing state-run firms and stimulating private investment failed to revive a moribund economy that maintains massive military expenditures and a large foreign debt of approximately \$21.5 billion. Per capita national income is estimated at \$900 per year.

The Government's human rights record remained extremely poor, and although there were some improvements in a few areas, it continued to commit numerous, serious abuses. Citizens do not have the ability to change their government peacefully. Government security forces were responsible for extrajudicial killings, and there were reports of Government responsibility for disappearances. Government security forces regularly beat, harassed, arbitrarily arrested and detained, and detained incommunicado opponents or suspected opponents of the Government with impunity, and there were a few reports of torture. Security forces beat refugees, reportedly raped women abducted during raids, and reportedly on occasion harassed and detained persons on the basis of their religion. Prison conditions remained harsh and life-threatening, prolonged detention is a problem, and the judiciary continued to be subservient to the Government. The authorities do not ensure due process, and the military forces summarily tried and punished citizens. The Government continues to infringe on citizens' privacy rights. The Government still does not fully apply the laws of war to the southern insurgency, has taken few prisoners of war (POWs), and does not cooperate with the International Committee of the Red Cross (ICRC) regarding POWs. Cooperation with U.N.-sponsored relief operations was poor. In 1999 the Government for the first time allowed U.N. teams to perform hu-

manitarian assessments in the Nuba Mountains on two occasions, and in July the Government permitted an initial U.N. flight into the Nuba Mountains. Government forces continued to obstruct the flow of humanitarian assistance. Problems with relief flights in the south centered on the Government's frequent denials of aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS), particularly for Western Upper Nile.

Restrictions on press freedom continued as the Government repeatedly suspended publications that criticized or disagreed with the government line, and detained journalists. Moreover, all journalists continued to practice self-censorship. The Government continued to restrict severely freedom of assembly, association, religion, and movement. In the context of the Islamization and Arabization drive, government pressure including forced Islamization—on non-Muslims remained strong. Fears of Arabization and Islamization and the imposition of Shari'a (Islamic law) fueled support for the civil war throughout the country. Violence and discrimination against women and abuse of children remained problems. Prostitution is a growing problem, and female genital mutilation (FGM) is widespread. Discrimination and violence against religious minorities persisted, as did discrimination against ethnic minorities and government restrictions on worker rights. Child labor is widespread. Slavery and trafficking in persons remained problems. Government security forces were responsible for forced labor (including forced child labor), slavery, and the forced conscription of children.

Insurgent groups continued to commit numerous, serious abuses. The SPLM/SPLA continued to violate citizens' rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controls, and in many cases, has controlled for many years. The SPLM/SPLA was responsible for extrajudicial killings, beatings, rape, arbitrary detention, and forced conscription. SPLM/SPLA officials were guilty of, or complicit in, theft of property of nongovernmental organizations (NGOs) and U.N. agencies operating in the south. The ICRC reported in 1996 that the SPLA had begun to observe some basic laws of war; it takes prisoners on the battlefield and permits ICRC visits to some of them. However, the SPLA has not allowed the ICRC to visit prisoners accused by the insurgent group of treason or other crimes.

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were reports of extrajudicial killings. In their attacks on insurgent forces, government troops killed a large number of civilians (see Section 1.g.). For example, at the beginning of November during an NDA attack on Kassala, 52 civilians and soldiers were killed during fighting between government and NDA troops (see Sections 1.c. and 1.g.). The Government suspended NGO operations in the area until the hostilities ended several days later. Government forces and allied militia pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities, which reportedly resulted in some deaths (see Section 1.g.). On numerous occasions, the Government bombed civilian facilities resulting in a number of civilian deaths, including children (see Section 1.g.). Explosions by government-laid landmines resulted in some deaths (see Section 1.g.). There were reports that during raids and attacks on civilian settlements, government forces killed a number of persons, and there were reports that persons abducted during those raids at times were killed (see Sections 1.b. and 6.c.). In early June in Gumriak, an attack by government air and ground forces in the vicinity of a Catholic mission reportedly resulted in the deaths of 32 persons, including women and children.

In February the Government's PDF allegedly attacked several villages in eastern Aweil and Twic counties, northern Bahr El Ghazal, killed 16 civilians, abducted over 300 women and children, stole cattle, and looted and burned villages. In November there were unconfirmed reports that the PDF attacked the village of Guong Nowh, killed several persons, abducted 24 persons, and stole cattle.

In September security forces in several cities in the north used tear gas and live ammunition to forcibly disperse some demonstrations; several persons were killed, and a number of persons were injured severely (see Section 2.b.).

There was no action taken in the 1999 case of Abdallah Chol, Hassan Abu Adhan, and Gladino (Sam) Okieny, who died as a result of torture while in the custody of military intelligence personnel.

University of Khartoum law student Mohamed Abdelsalaam Babeker was found dead in 1998 after being arrested by NIF security forces; an autopsy indicated that the cause of death was a brain hemorrhage allegedly caused by a head wound. A case was filed against an unknown person, and the police reportedly conducted an investigation; however, they did not release their findings by year's end.

There was no investigation into the January 1998 reports of reprisal killings of Dinka men by government forces.

Insurgent forces reportedly committed political and other extrajudicial killings, particularly in areas of active conflict; however, details generally were unavailable. There were reports that in July and August in the Western Upper Nile, SPLA forces and SPDF forces killed at least 50 civilians and abducted more than 20 women and children in intraethnic fighting.

Rebel forces killed a large number of civilians during their attacks on government forces (see Section 1.g.). Insurgent forces laid landmines indiscriminately on roads and paths that killed and maimed both soldiers and civilians (see Section 1.g.). Prisoners reportedly have died while in SPLA custody due to poor prison conditions (see Section 1.c.). There are reliable reports that rebel forces that captured villages along the border with Ethiopia in 1997 carried lists used to identify leading government figures whom they killed summarily.

In January two relief workers were killed in an attack by unidentified assailants. Also in January, rebels believed to be from the Ugandan Lord's Resistance Army (LRA) attacked a humanitarian vehicle, killing eight aid workers. Human Rights Watch (HRW) reported that the Sudan Alliance Forces (SAF), an NDA member, committed abuses against its soldiers accused of spying or defecting to another rebel group, including summary executions, torture, and detention of prisoners in a pit in the ground. SAF denied the allegations.

Sometime before March 30, 1999, a local Red Crescent worker and three government officials who accompanied an ICRC team near the town of Kong in the south were killed while in the custody of the SPLA under circumstances that remain unclear. The SPLM alleges that the four were killed in crossfire during a rescue attempt. The SPLM neither arranged for the return of the bodies nor permitted an independent investigation, and there was no further action on this case by year's end.

Interethnic and intraethnic tensions continued into the early part of the year resulting in numerous deaths. In the first half of the year, ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in Eastern Equatoria led to a number of deaths (see Section 5). Tensions eased with the departure of some Dinka to Bor County in May and June, and a dialog on a lasting resolution to the interethnic tensions continued during the year.

On December 8, supporters of the outlawed Takfeer and Hijra group killed 26 persons and injured 40 others at a Sunna mosque in Omdurman (see Section 5).

b. Disappearance.—There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels in government-controlled zones in the south and the Nuba Mountains. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to lawyers or family members.

There were reports that during raids on civilian settlements, government forces abducted persons, including women and children (see Sections 1.g. and 6.c.). In the last 15 years, between 5,000 and 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, most of whom are Dinka, remained abducted at year's end. Observers believe that some of the abductees were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, observers believe that the abductees escaped or eventually were released or ransomed, and that in other cases some were killed. In February the Government's PDF forces allegedly attacked several villages in eastern Aweil and Twic counties, northern Bahr El Ghazal, abducted over 300 women and children, killed 16 civilians, stole cattle, and looted and burned villages. In November there were unconfirmed reports that the PDF attacked the village of Guong Nowh, abducted 24 persons, killed several persons, and stole cattle.

HRW reported that Islamic student militias operating under the protection of security forces abducted and tortured a number of student activists.

In February a U.N. plane flew three commanders of a progovernment militia to another location where they attended a meeting with commanders of an anti-government militia; the pilots claim they did not know the identity of these passengers. When they returned, the pro-government militia detained the two pilots, a U.N. worker, and a Sudanese relief worker for 1 week.

There were reports that in July and August in the Western Upper Nile, SPLA and SPDF forces abducted over 20 women and children and killed at least 50 civilians during intraethnic fighting.

Approximately 3,000 Ugandan children have been abducted and forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is actively supported by the Government (see Section 5).

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

In 1996 the Government established the Special Commission to Investigate Slavery and Disappearances in response to a resolution passed by the 1995 U.N. General Assembly. The Commission technically still is functioning but has yet to produce a final report. In May 1998, the Government formed the Committee for the Eradication of the Abduction of Women and Children (CEAWAC). The Committee and UNICEF jointly sponsored a workshop on abductions in July 1999, during which the committee recognized abduction as a problem that the Government could and should address. The committee formed mechanisms to identify and return abductees. Several high-ranking Government officials participated in the activities of the committee. These mechanisms resulted in the identification and release of approximately 300 individuals who were returned to their homes during the year. An additional 1,200 have been identified; however, the Government's refusal to allow flights into SPLA territory prevented their return. In addition the Government did not record the identity of the abductors in these cases and chose not to prosecute the abductors.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1999 Constitution prohibits torture; however, government security forces continued to beat and harass suspected opponents and others. In 1997 the U.N. Special Rapporteur on Torture described torture as a fairly extensive problem; however, during the year, reports of torture were infrequent. Members of the security forces rarely, if ever, are held accountable for such abuses.

Security forces beat and otherwise abused youths and student leaders and others whom were deemed to be opponents of the Government.

There continued to be reports that security forces used “ghost houses,” places where security forces tortured and detained government opponents incommunicado under harsh conditions for an indeterminate time with no supervision by the courts or other independent authorities with power to release the detainees; however, reports of the use of “ghost houses” ceased during the latter half of the year.

There continued to be reports that security forces harassed and at times used threats and violence against persons on the basis of their religious beliefs and activities (see Section 2.c.). For example, in June police in Hilla Kuku beat a Catholic seminarian on the neck and wrist with a stick after he refused to remove a wooden cross that he was wearing (see Sections 1.d. and 2.c.).

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations (see Section 2.b.). For example, in February security forces detained and beat two students for political activity (see Section 1.d.). Several times in September police used tear gas, batons, and live ammunition to disperse demonstrators and in some instances, beat or otherwise injured numerous individuals (see Section 2.b.). In May security forces raided Alnasr Technology College twice; they arrested, beat, and injured students, and fired bullets in the air to disperse a student protest on education issues. Security and police forces used sticks and tear gas in an attack on Juba University in Khartoum in June, arresting and detaining over 120 students. Refugees also were subjected to beatings and mistreatment (see Section 2.d.). HRW reported that Islamic student militias operating under the protection of security forces abducted and tortured a number of student activists.

Government forces were responsible for injuring many civilians during attacks on insurgent forces, during raids on civilian settlements, and while bombing civilian targets (see Section 1.g.). There were reports that persons abducted during those raids were subjected to torture and rape (see Section 6.c.). In November during an NDA attack on government forces in Kassala, government soldiers detained and severely beat a foreign International Red Cross worker (see Sections 1.d. and 1.g.). He was held incommunicado for two days and then released. Explosions of government-laid landmines resulted in a number of injuries (see Section 1.g.). Soldiers were responsible for raping women (see Section 1.g.).

In accordance with Shari'a (Islamic) law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion—the public display of a body after execution. In a 1999 case involving ethnic clashes in the Darfur region in the west (see Section 5), an emergency court sentenced 10 persons to hanging and subsequent crucifixion. These sentences had not been carried out by year's end. During the year, there were six reported cases of amputations of limbs as punishment under Shari'a law for aggravated cases of theft.

The Government's “scorched earth” policy in the area surrounding the oil fields in Upper Nile resulted in a number of serious injuries (see Section 1.g.).

There was no investigation into, nor action taken, in the 1999 case in which prison officials tortured a convicted bank robber so severely while in detention that he was blinded.

Insurgent forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.). Landmines laid indiscriminately in years past on roads and paths killed and maimed both soldiers and civilians (see Section 1.g.). There are credible reports of beatings and other punishment of prisoners by the SPLA rebels.

HRW reported that the Sudan Alliance Forces (SAF), an NDA member, committed abuses against its soldiers accused of spying or defecting to another rebel group, including torture, summary executions, and the detention of prisoners in a pit in the ground. SAF denied these allegations.

There were numerous injuries as a result of religious tensions. For example, on December 8, supporters of the outlawed Takfeer and Hijra group killed 26 persons and injured 40 others at a Sunna mosque in Omdurman (see Section 5).

Conditions in government prisons remain harsh, overcrowded, and life threatening. Built before the country's 1956 independence, most prisons are maintained poorly, and many lack basic facilities such as toilets or showers. Health care is primitive, and food is inadequate. Minors often are held with adults. There was a report in 1999 that 16 children who were living with their imprisoned mothers died of diseases. Female prisoners are housed separately from men; rape in prison reportedly is rare. Prison officials arbitrarily denied family visits. High-ranking political prisoners reportedly often enjoy better conditions than other prisoners do.

The Government does not permit regular visits to prisons by human rights monitors. No independent domestic human rights organizations monitor prison conditions.

Prisoners reportedly have died while in SPLA custody due to poor prison conditions. The SPLMT denied the ICRC's visits to POWs.

The Government denied that

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incommunicado the members of PNCP. Human rights activist Ghazi Suleiman also was detained several times during the year. In addition to detentions, government security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day. This process sometimes continued for days.

In December government forces broke up a meeting of NDA representatives with a foreign diplomat, detained the diplomat briefly, eventually expelled the diplomat from the country, and arrested seven NDA representatives. In the following weeks, human rights activist Ghazi Suleiman and Ali Mahmoud Hassanein, head of the opposition Democratic Unionist Party, opposition lawyers for the NDA, were arrested by the Government (see Section 2.b.). After approximately 6 weeks in detention, the Government charged the NDA representatives with treason and sedition. There was no trial by year's end. The lawyers were not charged and remained in detention at year's end.

A number of journalists were arrested and detained during the year (see Section 2.a.).

In May security forces raided Alnasr Technology College twice; they arrested, beat, and injured students, and fired bullets in the air to disperse the students' protest on education issues (see Section 2.a.). Security and police forces used sticks and tear gas in an attack on Juba University in Khartoum in June, arresting and detaining over 120 students.

In November during an NDA attack on government forces in Kassala, government soldiers detained and severely beat a foreign International Red Cross worker (see Sections 1.a. and 1.g.). He was held incommunicado for 2 days and then released.

Security forces detained persons because of their religious beliefs and activities; however, such detentions decreased in the latter half of the year (see Section 2.c.). For example, in June police in Hilla Kuku detained and beat a Catholic seminarian after he refused to remove a wooden cross that he was wearing; he later was released (see Sections 1.c. and 2.c.). Generally detentions based nominally on religion were of limited duration; because the practice of religion is not technically illegal, detainees could not be held formally on grounds indefinitely. However, the Government resorted to accusing, at times falsely, those arrested for religious reasons of other crimes, including common crimes and national security crimes, which resulted in prolonged detention. In May President Bashir ordered that all women in prison for violations of the Public Order Law be released and rescinded the prohibition on the brewing of alcohol; 563 women were released (see Section 2.c.). Despite the fact it is legal to brew alcohol, police continued to arrest southern women, and reportedly the police demand bribes in exchange for releasing the women.

In December the Government arrested and detained 65 leading members of the Takfeer and Hijra group following an attack on a rival group's worshippers; most of the individuals remained in detention and had not been tried as of year's end (see Sections 1.a., 1.c., and 5).

In September security forces detained numerous persons while forcibly dispersing demonstrations in several cities in the north (see Section 2.b.). In September security forces also briefly detained 25 women who participated in a National Democratic Women's Association demonstration against the governor of Khartoum's decree prohibiting women from working in hotels, restaurants, and gas stations (see Sections 2.b. and 5). In October police arrested and detained four students at a rally at the University of Khartoum (see Section 2.b.).

Persons arrested by government security forces often were held for long periods of time in unknown locations without access to lawyers or family members.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is not independent and is largely subservient to the Government. The Chief Justice of the Supreme Court, formerly elected by sitting judges, is nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controls the judiciary. On occasion some courts display a degree of independence. Appeals courts on several occasions overturned decisions of lower courts in political cases, particularly public order courts.

The judicial system includes four types of courts: Regular courts, both criminal and civil; special mixed security courts; military courts; and tribal courts in rural areas to resolve disputes over land and water rights and family matters. In November 1998, Parliament passed a bill to form a constitutional court, which was implemented in December 1998. The President appointed the court's seven members at the end of 1998. Within the regular court system there are civil and criminal courts, appeals courts, and the Supreme Court. Public order courts, which heard only minor public order issues, were suspended, and public order cases were heard in criminal courts.

The 1999 Constitution provides for fair and prompt trials; however, it has not resulted in changes in practice. The 1991 Criminal Act governs criminal cases, and the 1983 Civil Transactions Act applies in most civil cases. Military trials, which sometimes are secret and brief, do not provide procedural safeguards, sometimes have taken place with no advocate or counsel permitted, and do not provide an effective appeal from a death sentence. Other than for clemency, witnesses may be permitted to appear at military trials.

Trials in regular courts nominally meet international standards of legal protections. For example, the accused normally have the right to counsel, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. However, in practice these legal protections are applied unevenly. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to their lawyers or family members.

In 1989 the Special Courts Act created special three-person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, on which both military and civilian judges sit, handle most security-related cases. Attorneys may advise defendants as "friends of the court" but normally may not address the court. Lawyers complain that they sometimes are granted access to court documents too late to prepare an effective defense. Sentences usually are severe and implemented at once; however, death sentences are referred to the Chief Justice and the Head of State. Defendants may file appellate briefs with the Chief Justice.

The Government dissolved the respected Sudanese Bar Association in 1989 and reinstated it with an NIF-controlled leadership in 1997. In 1997 elections for the leadership of the Bar Association, an NIF-associated group won overwhelmingly amid accusations of blatant fraud. Lawyers who wish to practice must maintain membership in the Bar Association. The Government continued to harass and detain members of the legal profession whom it views as political opponents.

The Government officially exempts the 10 southern states, whose population is mostly non-Muslim, from parts of the Criminal Act; however, the act permits the possible future application of Shari'a law in the south, if the State assemblies so decide. No reports cited court-ordered Hudood punishments, other than lashings, in government-controlled areas of the south. Fear of the imposition of Shari'a law remained a key problem in the rebellion.

Parts of the south and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/SPLA-held areas follow a penal code roughly based on the 1925 Penal Code. In rural areas outside effective SPLM control, tribal chiefs apply customary laws. In 1996 the SPLM proclaimed a civilian structure to eliminate the conduct of secret and essentially political trials such as those conducted by military commanders in previous years. The SPLM has a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognizes traditional courts or "Courts of Elders," which usually hear matters of personal affairs such as marriages and dowries, and base their decisions on traditional and customary law. Local chiefs usually preside over traditional courts. Traditional courts are particularly active in Bahr El Ghazal. The SPLM process of conducting a needs assessment for the courts continued during the year.

There are political prisoners in the country, although the Government maintains that it holds none. The Government usually charges political prisoners with a crime, allowing the Government to deny their status as political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The 1999 Constitution provides for the inviolability of communication and privacy; however, the Government routinely interferes with its citizens' privacy. Security forces frequently conducted night searches without warrants, and they targeted persons suspected of political crimes. During demonstrations in September (see Section 2.b.), riot police reportedly broke into private homes to search for demonstrators. Some residents of Khartoum filed lawsuits against the riot police for violating their privacy and damaging property in the aftermath of September 1999 riots; the suits eventually were dismissed as lacking jurisdiction. In the north, security forces also targeted persons suspected of making alcoholic beverages, which are illegal.

Security personnel routinely opened and read mail and monitored telephones. The Government continued to restrict the ownership of satellite dishes by private citizens through use of its licensing requirement.

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam (see Section 5); however, this prohibition is not observed or enforced universally, particularly in the south and among Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards (see Sections 2.c. and 5). Enforcement of female dress standards by the Public Order Police continues, but was reduced greatly during the year. There were no reports of corporal punishment to enforce public order during the year; enforcement generally took the form of verbal admonishment by security forces.

Non-Muslim prison inmates were pressured to convert to Islam, as were PDF trainees, children in government-controlled camps for vagrant minors, and persons in government-controlled peace camps (see Sections 1.g. and 2.c.).

Government forces pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (see Section 1.c.).

The Government continued to raze some squatter dwellings; however, the practice decreased greatly during the year.

A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods. However, government-instituted neighborhood "popular committees"—ostensibly a mechanism for political mobilization—which served as a means for monitoring households' activities were disbanded.

The Government continued to dismiss military personnel summarily as well as civilian government employees whose loyalty it considered suspect. The government committee set up in 1995 to review cases of persons summarily dismissed since the 1989 coup continued to function in theory; however, it has released no results since May 1996.

Government armed forces burned and looted villages and stole cattle (see Sections 1.a. and 1.g.).

The Government continued to conscript citizens forcibly, including high school age children (see Sections 5 and 6.c.).

As a result of the prolonged war, approximately 4 million persons are displaced internally (see Section 2.d.).

The insurgent SPLM/SPLA generally is not known to interfere with privacy, family, home, or correspondence in areas that it controls, although correspondence is difficult in war zones; however, rebel factions continued to conscript citizens forcibly including high school age children (see Sections 5 and 6.c.).

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since the civil war resumed in 1983, an estimated 2 million persons have been killed, and 4 million displaced internally as a result of fighting between the Government and insurgents in the south, interethnic fighting, and famine. The civil war continued despite limited cease-fires, and all sides involved in the fighting were responsible for violations of humanitarian norms. At year's end, the Government controlled virtually all of the northern two-thirds of the country but was limited to garrison towns in the south. In June the SPLA launched an offensive in Bahr El Ghazal, fighting resumed between the SPLA and government forces, and the humanitarian cease-fire broke down. During the year, government bombings continued, often killing or injuring innocent civilians and destroying homes, schools, and hospitals. Some Government bombing intentionally was directed at civilian targets; most bombing was indiscriminate and resulted in deaths and injuries or destruction of property. In early February, government bombs struck a school in the Nuba Mountains, killing 15 persons and wounding 17 others. On March 4, a government bombardment of the town of Yirol damaged the compound of Irish NGO Concern, killing 2 persons and wounding 11 others. On March 14, government forces bombed the Diocese of Torit hospital, killing one person and injuring seven others. In early July in Rumbek, a young girl and a pregnant woman were killed and 23 persons were injured when bombs hit an open area between the Catholic and Episcopal churches and a market place. On July 15, the Government bombed the town of Chelkou and damaged an ICRC airstrip, an ICRC plane, and relief station, and injured an ICRC employee. In mid-September on two different occasions, government bombs killed 11 persons in Narus and Ikotos, and the Diocese of Torit Clinic was

destroyed. On November 21, government forces bombed Yei; 19 persons were killed and 45 others were injured. In November government forces also bombed the towns of Polit Abur and Ikotos, killing 8 persons and seriously injuring 32 others.

The Government also conducted bombing raids that targeted NGO's and often impeded the flow of humanitarian assistance to the south. On March 1, the Government bombed a hospital run by the NGO Samaritan's Purse in Lui in Western Equatoria. Norwegian People's Aid reported that on April 16, government forces dropped bombs near a child feeding compound. On July 28, in Akhuem in northern Bahr El Ghazal, several bombs landed close to a Doctors Without Borders plane and near its health center, prompting the medical team to evacuate the area. On August 7, government planes bombed an airstrip in Mapel where an OLS plane was parked. On August 9, government aircraft again bombed Mapel endangering U.N. personnel and facilities. On October 12, bombs were dropped on the towns of Ikotos and Parajok in Eastern Equatoria, which, according to relief workers, occurred during a food distribution and injured at least seven persons, including four persons seriously. On October 23, relief workers reported that 23 bombs were dropped on the town of Nimjule in 2 separate attacks during a 12-day cease-fire to allow for a U.N. polio vaccination campaign. No one was injured, although a nursery and several houses were destroyed.

The Government and government-allied militia carried out raids and attacks on civilian settlements particularly in Bahr El Ghazal. These raids were accompanied by killings, abductions, rapes, the burning and looting of villages, the theft of cattle, and significant displacement of civilian populations. However, the Government pledged to end this practice, and there were fewer reports of such raids during the year (see Sections 1.a., 1.b., 1.c., and 6.c.).

The Government and government-associated forces have implemented a scorched earth policy along parts of the oil pipeline and around some key oil facilities. These forces have injured persons seriously, destroyed villages, and driven out inhabitants in order to create an uninhabited security zone.

Victims of government bombings, and of the civil war in general, often flee to government-controlled peace camps. Some NGO's reported that persons in the peace camps were subject to forced labor and at times pressured to convert to Islam (see Section 2.c.).

Government forces routinely kill rebel soldiers captured in battle. Only a small group of prisoners captured before the 1989 coup and a few soldiers taken in the east in 1998 and during the year reportedly are held as POW's in government-controlled areas. The Government does not concede that it holds POW's. It has not responded to ICRC inquiries about POW's and has refused the ICRC access to POW's.

Government forces in the south raped women and forcibly conscripted men and boys (see Sections 1.f. and 6.c.). Government forces routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally during their offensive operations. At the beginning of November, during an NDA attack on Kassala, 52 civilians and soldiers were killed during fighting between government and NDA troops.

In addition to bombings that have made humanitarian assistance difficult, the Government routinely has denied flight clearances. The Government banned all relief flights to Western Upper Nile and Eastern Equatoria during the year. In July the Government informed OLS that it would require 7 days notice for all relief flights (previously 48 hours notice was required), thus reducing OLS's flexibility. Until 1999 the Government had not permitted U.N. humanitarian assistance to Blue Nile. In June 1999 and September 1999, U.N. teams conducted humanitarian assessment visits to rebel-held areas of the Nuba Mountains, and in October 1999, the U.N. conducted a humanitarian assessment in government-held areas of the Nuba Mountains. During the year, the Government on two occasions permitted polio eradication teams to visit the Nuba Mountains but denied access for other humanitarian assistance.

During a March 1999 visit by the U.N. Special Representative for Children and Armed Conflict, both the Government and SPLM/SPLA agreed to stop using anti-personnel mines. However, in the early part of the year, a government militia raided a relief center at Mading and placed landmines in an NGO compound forcing the permanent evacuation of the center. Reportedly the SPLA continued to lay landmines in Eastern Equatoria for defense purposes. Injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines laid by the SPLA and its allies during the course of the war.

Northern Muslim opposition groups under the 1995 NDA umbrella structure, which includes the SPLA, took military action against the Government. The NDA

attacked government garrisons, the oil pipeline, and strategic points near the Ethiopian and Eritrean borders.

There were reports that in July and August in the Western Upper Nile region rebel SPLA and SPDF forces killed at least 50 civilians and abducted over 20 women and children in intraethnic fighting (see Section 5). In Kerial and Koch, soldiers burned huts and looted food and other household goods, and several chiefs reported that their villagers were forced to relocate.

The SPLA has taken a number of prisoners over the years. The SPLA often cooperates with ICRC and allows regular visits to prisoners. The SPLA released a limited number of POW's for health reasons during the year. Prisoners reportedly have died while in SPLA custody due to extremely poor prison conditions.

There are credible reports of SPLA taxation and occasional diversion of relief supplies. The SPLM leadership repeatedly has committed itself to eliminating these problems; however, in practice it appears unable to impose consistently those commitments on its representatives in the field. There were reports that the Sudan Relief and Rehabilitation Association (SRRRA) diverted humanitarian food to the SPLA.

Insurgent forces in the south forcibly conscripted men and boys and reportedly raped women (see Sections 1.f. and 6.c.). Insurgent forces also routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally.

In March the SPLM/SPLA expelled 11 NGO's, which handled 75 percent of NGO-provided humanitarian aid entering the south, for refusing to sign a memorandum of understanding (MOU) on NGO activities that had been under negotiation for several years. Several other NGO's that refused to sign left the area before the deadline. All but a few of the NGO's that were expelled or left before the deadline returned to the southern part of the country and later in the year signed the MOU (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1999 Constitution provides for freedom of thought and expression, and freedom of the press “as regulated by law;” however, the Government severely restricts freedom of speech and of the press. Government detentions of journalists, intimidation, surveillance, and suspensions of newspapers continued to inhibit open, public discussion of political issues. Journalists practice self-censorship.

As a result of a limited easing of press restrictions that the Government began in 1997, some lively discussions of domestic and foreign policy were published in the press. Nonetheless, the Government still exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, through the National Press Council and security forces. The National Press Council applies the Press law and is directly responsible to the President. It is charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it can give a newspaper a warning or suspend it for up to 15 days. It also can suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consists of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists’ Union; and 2 selected by the Journalists’ Union leadership. In February President Bashir fired five members of the National Press Council because they had been selected by the dissolved National Assembly (see Section 3). Observers believe the Journalist’s Union is government-controlled. The National Press Council was active in suspending journalists and newspapers during the year.

The Government restricted freedom of the press through detention of journalists and editors (see Section 1.d.), the confiscation of already printed editions, pre-publication censorship, and pressure, which resulted in self-censorship.

In March security forces arrested and detained Kamal Hassan Bakheit, Chief Editor of “Al Sahafa” and four of the paper’s journalists for publishing poetry calling on Egypt to rescue the country from “the unjust war” and writing an article supportive of the NDA. In May security forces arrested Idris Hassan, Chief Editor, and El Badawi Yousif, Editing Director of “Al Rai AlAam” newspaper for “crimes against the state” involving alleged false accusations and insults to public servants executing judicial proceedings. They were released after 1 day, and those editions of the newspaper were confiscated. In August security forces arrested Osman Mirghani, journalist for “Al Rai Al-Aam” for an article criticizing government education policy. In August security forces also arrested Alwola Burhi Kaidani, journalist for “Al-Rai Al Akhar” for an “anti-government” article.

In July the National Press Council suspended an independent Arabic daily Al-Rai Al-Aam for 1 day following the publication of an article critical of the police.

The editor in chief of the newspaper Al-Rai al-Akher, who was arrested in June 1999, and the editors in chief of two other newspapers, Elsharee Elsyasi and Al-

Ousbou, who reportedly were arrested at the same time all were released after a few days.

All journalists, even in the privately owned Arabic daily press, continued to practice self-censorship. There are 11 daily newspapers and one English newspaper, which generally represents the viewpoint of southerners. Of the Arabic papers, one is government-controlled, several generally reflect the Government's viewpoint, and several are independent. A wide variety of Arabic and English publications are available; however, they are subject to censorship.

Radio and television are controlled directly by the Government and are required to reflect government policies. Television has a permanent military censor to ensure that the news reflects official views. There are no privately owned television or radio stations, although one television cable company is jointly owned by the Government and private investors.

The Government often charged that the international, and particularly the Western, media have an anti-Sudan and antislavery bias.

In spite of the restrictions on ownership of satellite dishes, citizens have access to foreign electronic media; the Government does not jam foreign radio signals. In addition to domestic and satellite television services, there is a pay cable network, which directly rebroadcasts uncensored Cable News Network (CNN), the British Broadcasting Company (BBC), the London-based, Saudiowned Middle East Broadcasting Corporation (MBC), DubaiTV, Kuwait-TV, and a variety of other foreign programming.

Uncensored Internet access is available through two Internet service providers.

Rebel movements have provided relatively few opportunities for journalists to report on their activities.

Academic freedom is restricted. In public universities, the Government appoints the vice-chancellors who are responsible for running the institutions. While many professors "lecture and write in opposition to the Government, they must exercise self-censorship. Private universities are not subject to direct government control; however, professors also exercise self-censorship.

Security forces detained, and at times, beat student activists (see Sections 1.c. and 1.d.). In May security forces raided Alnasr Technology College twice; they arrested, beat, and injured students, and fired bullets in the air in an effort to disperse a student protest on education issues. On a few occasions, security forces forcibly dispersed student demonstrations, killing and injuring some students (see Section 2.b.).

The Government officially requires that young men between the ages of 17 and 19 enter military service to be able to receive a certificate on leaving secondary school, which is a requirement for entry into a university (see Section 5). This decree effectively broadened the conscription base.

b. Freedom of Peaceful Assembly and Association.—The declaration of the state of emergency and of martial law on June 30, 1989, effectively eliminated the right of assembly, and the Government continued to severely restrict this freedom. The authorities permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented. Islamic orders associated with opposition political parties, particularly the Ansar and Khatimia, regularly have been denied permission to hold large public gatherings. In June the Independent Students Congress group of Sennar University organized an unapproved political rally at the University. Armed troops intervened and fired automatic weapons on the campus; the troops killed a student, seriously injured another, and approximately 20 students were hospitalized. In September demonstrators in several cities in the northern part of the country protested poor economic conditions, lack of water and electricity, government failure to pay teacher salaries, and compulsory military conscription. Claiming that the demonstrations threatened to become violent, police and security forces used tear gas and live ammunition to disperse demonstrators; the security forces killed several persons, and detained and beat numerous individuals. The individuals later were released. Also in September, the National Democratic Women's Association, which is associated with the NDA, held a peaceful demonstration against the Khartoum governor's decree banning women from working in public places. Riot police dispersed the protesters using tear gas; numerous women were injured, and security forces arrested and later released more than 25 women. In September and October, over 150 members of Hassan al-Turabi's PNC were detained after allegedly participating in demonstrations against the Government (see Section 1.d.). In October police used batons and tear gas to break up a rally and protest held by the PNC and Islamic students at the University of Khartoum; students allegedly fired shots at the police, pelted them with stones, and used Molotov cocktails. Six policemen were injured, and four students were arrested but later were released.

In December government forces broke up a meeting of NDA representatives with a foreign diplomat, detained the diplomat briefly, and eventually expelled him from the country; they also arrested seven NDA representatives. After approximately 6 weeks of detention, the Government charged the NDA representatives with treason and sedition. There was no trial by year's end. In the following weeks, human rights activist Ghazi Suleiman and Ali Mahmoud Hassanein, head of the opposition Democratic Unionist Party, opposition lawyers for the NDA, were arrested by the Government (see Section 1.d.). The lawyers were not charged and remained in detention at year's end. Following the incident, the Government announced restrictions on diplomatic, international, and regional organizations' contact with any Sudanese political organizations, including the NDA, that it considered to be waging war against it. The Government stated it would restrict travel into rebel-controlled areas without prior written permission from the Ministry of External Affairs; however, this restriction was not enforced during the year.

The Government severely restricted freedom of association. In December 1998, implementing legislation linked to the new Constitution that in theory would allow the existence of political parties passed into law. As a result, there are now 20 officially registered political parties; however, the legislation includes restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government. Observers believe that the Government controls professional associations.

In March the SPLA implemented a MOU drafted in August 1999 that was the subject of negotiation between the SPLM, NGO's, and donors. It included items such as: Increased SPLA control over NGO interaction with local communities; SPLA control over the planning and distribution of humanitarian assistance; a requirement to work "in accordance with SPLA objectives" rather than solely humanitarian principles; the payment of "security fees;" and additional fees for services, including charges for the landing of aircraft carrying humanitarian aid and for NGO movement within SPLA-held areas. In March the SPLA expelled 11 NGO's, which handled 75 percent of NGO-provided humanitarian aid entering southern Sudan, for refusing to sign the MOU; several NGO's who refused to sign the memorandum left the area before the deadline (see Section 1.g.). Most NGO's returned by year's end, and most NGO's that provide assistance to the south reported that the MOU had little or no effect on their operations.

c. Freedom of Religion.—The 1999 Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. The Government treats Islam as the state religion and has declared that Islam must inspire the country's laws, institutions, and policies. The Constitution states that "Shari'a and custom are the sources of legislation."

Religious organizations are subject to the 1994 Societies Registration Act, which replaced the controversial 1962 Missionary Societies Act. The act theoretically allows churches to engage in a wider range of activities than did the Missionary Act, but churches are subject to the restrictions placed on nonreligious corporations. Religious groups, like all other organizations, must be registered in order to be recognized or to gather legally. The Government also requires that houses of worship be approved. Registered religious groups are exempt from most taxes. Nonregistered religious groups, on the other hand, find it impossible to construct a place of worship or to assemble legally. Registration reportedly is very difficult to obtain in practice, and the Government does not treat all groups equally in the approval of such registrations and licenses.

Muslims may proselytize freely in the government-controlled areas, but non-Muslims are forbidden to proselytize. Foreign missionaries and religiously oriented organizations continue to be harassed by authorities; however, there were fewer reports of harassment in the second half of the year. On occasion requests by foreign missionaries and religiously oriented organizations for work permits and residence visas were delayed or denied. The Government refused to renew visas of several long-term Catholic missionaries, forcing them to leave the country and reapply with no assurances that the visas will be granted again. The Government generally is least restrictive of Christian groups that historically have had a presence in the country, including Copts, Roman Catholics, and Greek Orthodox, and is more restrictive of newer arrivals.

Although the Government considers itself an Islamic government, restrictions often are placed on the religious freedoms of Muslims, particularly against those orders linked to opposition to the Government. Islamic orders such as the Ansar and the Khatimia regularly are denied permission to hold large public gatherings (see Section 2.b.).

The Government permits non-Muslims to participate in services in existing and otherwise authorized places of worship; the Government continued to deny permis-

sion for the construction of Roman Catholic churches, although some other Christian groups have received permission. However, the Government permitted some makeshift structures to be used.

There is a longstanding dispute between the Episcopal Church and the Government. In September 1999, the Episcopal Church stated that the Government had moved to seize a portion of the property on which church offices in Omdurman stand. A government-run health care center had operated on the site since 1973. The Church claims that it has a freehold title to the land, while the Government claims that it is a leasehold. The Church claims that the courts will not act independently of the Government in the case. The case still is unresolved. In December 1999, police injured five persons in a clash in northwest Khartoum over an Episcopal Church school. Local authorities claim that the school was built without a proper permit. Despite a court ruling in favor of the Church, the school eventually was taken over by the Government and reopened as a Government school.

Government authorities, using soldiers for security, reportedly have razed approximately 30 religious buildings with bulldozers since 1990. In June 1999, local press reports indicated that an agreement had been signed between the Human Rights Committee of the National Assembly and the Minister of Engineering Affairs of Khartoum State not to remove schools or houses of worship during slum demolitions unless adequate alternative sites were found. In October 1999, the First Vice President directed that the demolition of churches and other Christian facilities in Khartoum be suspended and that a committee be formed under the Second Vice President to review the issue; the committee was formed and began operations during the year. During the year, no religious schools or houses of worship were razed. The Government was trying to take over the unused part of a Christian cemetery in Khartoum in order to build shops; the dispute was not resolved by year's end.

The Government requires instruction in Islam in public schools in the north. In public schools in areas in which Muslims are not a majority, students have a choice of studying Islam or Christianity; however, Christian courses are not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, and, in practice this means that many Christian students attend Islamic courses.

Children who have been abandoned or whose parentage is unknown regardless of presumed religious origin—are considered Muslims and can be adopted only by Muslims. Non-Muslims may adopt only other non-Muslim children. No equivalent restriction is placed on adoption by Muslims of orphans, or other abandoned children. These children are considered by the State to be both Sudanese citizens and Muslims, and therefore can be adopted only by Muslims. In accordance with Islamic law, Muslim adopted children do not take the name of their adoptive parents and are not automatic heirs to their property.

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards. This, at the least, entails wearing a head covering. For example, in January 1999, the governor of Khartoum State announced that women in public places and government offices and female students and teachers would be required to conform to what is deemed an Islamic dress code. However, none of these decrees have been the subject of legislation, and enforcement of the dress code regulations was uneven. During the year, dress code enforcement was relaxed and, when it occurred, generally consisted of verbal admonishment by security forces. In September the Governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public such as hotels, restaurants, and gas stations, defending the ban as necessary under Shari'a law to protect the dignity of women (see Section 5). At year's end, the decree was before the Constitutional Court pending a decision on appeal.

While non-Muslims may convert to Islam, the 1991 Criminal Act makes apostasy (which includes conversion to another religion) by Muslims punishable by death.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, and there continued to be reports that security forces harassed and arrested persons for religious beliefs and activities (see Section 1.d.).

There were reports that police in Hilla Kuku harassed members of the Catholic Church. In June a Catholic seminarian reported that police stopped him at the bus station in Hilla Kuku and ordered him to remove a wooden cross that he was wearing. When he refused, the police took him to a police station, detained him, and beat him on the neck and wrist with a stick. After 3 hours of interrogation, they returned the cross and released him. In July at the same bus station, a Catholic worker was abducted by unidentified men, reportedly security personnel, and taken to an unidentified house. He was kept in a chair, with his hands tied behind his back, and questioned about church activities. He was released after dark but warned not to discuss the incident.

The Government officially exempts the 10 southern states, whose population is mostly non-Muslim, from parts of the Criminal Act, which permits physical punishments based on Shari'a (Islamic law). In June approximately 100 Christian secondary school students were not allowed to continue compulsory military service because they left their duties to pray; it was unclear if these students were abused because they were Christian. Without successfully completing military service, they will not be allowed to enter the university.

PDF trainees, including non-Muslims, are indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGO's pressured and offered inducements to non-Muslim inmates to convert. Some persons in the government-controlled camps for internally displaced persons reportedly were subject to forced labor and at times pressured to convert to Islam (see Section 1.f.). Children, including non-Muslim children, in camps for vagrant minors are required to study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 5). There are credible reports that some boys in vagrant camps and juvenile homes have undergone forced circumcision. Some children from Christian and other non-Muslim families, captured and sold into slavery, were converted forcibly to Islam.

The Government bombed villages in the Nuba Mountains and other southern rebel-held areas, at times striking hospitals, schools, mosques, Christian churches, and religious services (see Section 1.g.). For example, on February 8, government forces bombed a Catholic school in the Nuba Mountains killing at least 14 children and 1 teacher, and wounding 14 other persons. Government officials described the incident as a legitimate bombing. On March 14, government forces bombed the Diocese of Torit hospital, killing 1 person and injuring 7 others. In September government forces dropped 12 bombs on a Catholic mission, injuring 6 persons and destroying a medical dispensary.

In June a group of 12 armed police entered the priests' residence of the Catholic Comboni College secondary school with a warrant to search for illegal immigrants and foreign currency. The rooms of two priests and a medicine storeroom were searched. The police did not arrest anyone, and spoke with one priest. Police took a camera, a file of newspaper cuttings, five boxes of slides, a corrector tape, three floppy disks, and a bottle of whiskey. The items were accounted for at the time and returned 2 days later. A mobile telephone and cash are believed to have disappeared, but were not listed among the items taken by police during the search. No charges were filed in the case. The Catholic Comboni College has a religiously and ethnically mixed student body and generally operates without interference or harassment.

There were some areas in which the Government took steps that improved religious freedom somewhat, including releasing religious prisoners and detainees, relaxing enforcement of public order laws, releasing women imprisoned under the public order law, and easing restrictions on religious visitors and gatherings. For example, during the year, the Archbishop of Canterbury visited the country as did German evangelist Reinhard Bonnke. Open air services in Khartoum were attended by tens of thousands of persons. Catholic Church representatives said thousands of persons routinely attended jubilee festivities in government-held areas without interference or harassment.

In rebel-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worship freely, although it appears that many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favors secular government; however, the SPLM is dominated by Christians, and local SPLM authorities often have a very close relationship with local Christian religious authorities.

Government and SPLM/SPLA delegations participated in four rounds of IGAD-mediated peace talks in Kenya during the year. The delegations continued discussions of the role of religion in national affairs without resolution. The Government continues to insist that Shari'a or Islamic law form the basis of a unified state while southerners insist on a secular state.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The 1999 Constitution provides for freedom of movement and residence, including exit from and entry into the country; however, the Government restricted these rights in practice. The Government denied exit visas to some categories of persons, including policemen and physicians. The Government also maintains lists of political figures and other citizens who are not permitted to travel abroad.

Women may not travel abroad without permission of their husbands or male guardians. Some former political detainees have been forbidden to travel outside Khartoum. Movement generally was unhindered for other citizens outside the war zones, but travelers who failed to produce an identity card at checkpoints risked ar-

rest. Foreigners needed permits, which were often difficult to obtain and sometimes were refused, for domestic travel outside of Khartoum; however, foreign diplomats can travel to many locations under government escort. Foreigners must register with the police on entering the country, seek permission to move from one location to another, and reregister at each new location within 3 days of arrival. Foreign NGO staffs sometimes had problems obtaining entry visas or work or travel permits once they had entered the country. In December the Government announced restrictions on travel by diplomatic, international, and regional organizations and others into rebelcontrolled areas without prior written permission from the Ministry of External Affairs; however, this restriction was not enforced during the year.

Insurgent movements also require that foreign NGO personnel obtain permission before traveling to areas that they control, although they generally granted such permission. NGO workers who have worked in government-held territory encountered problems receiving permission to work or travel in insurgentheld territory. In March the SPLA drew up a Memorandum of Understanding for NGO's to sign that restricted much of their work in the southern part of the country and, as a result, many NGO's left the country (see Section 1.g.).

Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continue to live in squatter slums in the Khartoum area. The Khartoum State government plans to upgrade conditions in some camps, requiring the movement of populations to other areas so that roads may be built or enlarged and services established. The state government is in contact with foreign NGO's and U.N. agencies concerning this effort.

Approximately 380,000 Sudanese are refugees in neighboring countries. Refugees have fled to Uganda, Ethiopia, Eritrea, Kenya, the Democratic Republic of the Congo, and the Central African Republic. Up to 4 million persons are displaced internally due to the civil war.

The law includes provisions for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR estimated that there were approximately 400,000 refugees, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of the Congo, and Somalia. Approximately 150,000 refugees are in camps, and the rest are scattered in urban areas throughout the country. The Government provides first asylum, although no statistics were available for the year.

In April the Government signed an agreement with the Government of Eritrea to repatriate longtime Eritrean refugees in Sudan; however, it was not implemented because of the conflict between Eritrea and Ethiopia.

In August the UNHCR signed an agreement with the Government of Sudan and the Government of Ethiopia to repatriate pre-1991 Ethiopian refugees to their homeland by the end of the year; however, only some of the Ethiopian refugees were repatriated by year's end.

There were some reports of the mistreatment of refugees, including beatings and arbitrary arrests by government officials. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens had no genuine opportunity to change their government peacefully. Presidential and parliamentary elections were held in December and there were allegations of serious irregularities; including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. Bashir was elected to another 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

In December 1999, President Bashir declared a 3-month state of emergency, dismissed the speaker of the National Assembly, Dr. Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. Bashir suspended the Parliament on the grounds that it was necessary for the unity of the country. The State of Emergency remained in

effect throughout the year and was extended through next year. The new Parliament elected in December is expected to take office in February 2001.

The Constitution, which provides in theory for a wide range of rights, was passed by referendum in June 1998, and was implemented early in 1999. There was widespread skepticism about the Government's claims that the constitutional referendum passed with 96.7 percent approval and 91.9 percent participation. Critics of the new Constitution charged that it neither was drafted nor passed with truly national participation. Some critics also objected to the statement that "Islamic law" would be among "the prevalent sources of law" in regard to amending the Constitution (see Section 5). The new Constitution has resulted in few changes in practice.

In 1989 the National Salvation Revolution Command Council (RCC) abolished all political parties and detained the major party leaders for a short period. In 1990 the RCC rejected both multiparty and one party systems and, 2 years later, established an entirely government-appointed Transitional National Assembly, based on a Libyan-style political structure with ascending levels of nonpartisan assemblies. The essentially powerless appointed legislature was replaced following the 1996 elections by an elected National Assembly. In December 1998, implementing legislation linked to the new Constitution passed a law that would allow the restricted existence of political parties. As a result, there are 20 officially registered political parties; however, the legislation included restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government. The Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (see Sections 1.c. and 1.d.).

The federal system of government was instituted in 1995 and slowly is developing a structure of 26 states, which the Government considers a possible inducement to the insurgents for accommodation through a principle of regional autonomy; however, southerners are underrepresented in the Government. This underrepresentation remained a key obstacle to ending the rebellion.

Women are underrepresented in government and politics, although they have the right to vote. There is one female Minister, who serves as a government advisor; one female State Minister, who serves on the Council of Ministers and is the former head of the legislative committee of Khartoum State; and there is one female Supreme Court judge.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Due to government restrictions on freedom of association (see Section 2.b.), there is only one independent domestic human rights organizations—the Sudan Human Rights Organization. There is one local NGO that addresses health concerns related to the practice of female genital mutilation (FGM) and other "traditional" practices (see Section 5). During the year, the Government conducted bombing raids that targeted NGO's and often impeded their activities in the south (see Section 1.g.).

Government-supported Islamic NGO's pressured imprisoned nonMuslims to convert to Islam. There were reports that Christian NGO's used their services to pressure persons to convert to Christianity during the year.

The Human Rights Advisory Council, a government body whose rapporteur is the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council is composed of representatives of human rights offices in 22 government ministries and agencies. While the council is charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some of the ministry and agency offices. In May 1998, the Government formed the CEAWAC, which in turn formed mechanisms to identify and return abductees (see Sections 1.b. and 6.f.).

In September 1998, the U.N. named a new Special Rapporteur on Sudan, Leonardo Franco. Franco visited the country in February and filed a report with the UNHCR and the U.N. General Assembly.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1999 Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, especially with respect to violence against women and children, are weak. The 1992 General Education Act stipulates equal opportunity in education for the disabled.

Women.—Violence against women continued to be a problem, although, because reliable statistics do not exist, the extent is unknown. Many women are reluctant

to file formal complaints against such abuse, although it is a legal ground for divorce. The police normally do not intervene in domestic disputes. Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government does not address the problem of violence against women, nor is it discussed publicly. The punishment for rape under the Criminal Act varies from 100 lashes to 10 years imprisonment to death. In most cases, convictions are not announced; however, observers believe that sentences often are less than the maximum provided for by law. Prostitution is a growing problem, although there is no sex tourism industry. There are no specific laws regarding sexual harassment.

Some aspects of the law, including certain provisions of Islamic law as interpreted and applied by the Government, and many traditional practices, discriminate against women. Gender segregation is common in social settings. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference. Women are ensured inheritance from their parents; however, a daughter inherits half the share of a son, and a widow inherits a smaller percent than do her children. It is much easier for men to initiate legal divorce proceedings than for women. These rules only apply to Muslims and not to those of other faiths, for whom religious or tribal laws apply. Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converts to Islam; however, this prohibition is not observed or enforced in areas of the south not controlled by the Government, nor among Nubians. Women cannot travel abroad without the permission of their husbands or male guardians (see Section 2.d.); however, this prohibition is not enforced strictly for women affiliated with the NCP.

A number of government directives require that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code. This, at the least, entailed wearing a head covering. However, enforcement of the dress code regulations has been uneven. During the year, dress code enforcement was relaxed and, when it occurred, generally consisted of verbal admonishment by security forces. In May a presidential decree released 563 women who were in prison for violating the Public Order Law. Most were southerners who had been convicted of illegally making and selling alcohol in Khartoum. Subsequent to the decree, police continued to arrest numerous women for the same violation and reportedly the police demand bribes in exchange for releasing the women.

Women generally are not discriminated against in the pursuit of employment; however, in September the Governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public, including hotels, restaurants, and gas stations. The Governor defended the ban as necessary to protect the dignity of women and to adhere to Shari'a law. Within a week, the Constitutional Court suspended the ruling, and the case was pending appeal at year's end.

Women enjoy equal access to education. Approximately 50 percent of university students are women, in part because men are conscripted for war.

There are credible reports that government and government-associated forces abducted and sold women for work as domestic servants and concubines (see Sections 6.c. and 6.f.).

Children.—Education is compulsory through grade eight, although local inability to pay teachers' salaries reportedly has resulted in declining attendance. In the northern part of the country, boys and girls generally have equal access to education, although many families with restricted income choose to send sons and not daughters to school. Girls do not have equal access to education in the south. The male literacy rate is 57.7 percent, and the female literacy rate is 34.6 percent; however, this rate is for the country as a whole; the literacy rate in the south reportedly is lower due to a lack of schools in many areas.

A considerable number of children suffered serious abuse, including abduction, enslavement, and forced conscription in the war zones (see Sections 1.f., 6.c., and 6.f.). There continued to be credible reports that government and government-associated forces abducted children for purposes of forced labor (see Sections 6.c. and 6.d.).

The Government forcibly conscripted young men and boys into the military forces to fight in the civil war. Conscription frequently was carried out by government authorities who raided buses and other public places to seize young men. The Government officially requires that young men between the ages of 17 and 19 years enter military service to be able to receive a certificate on leaving secondary school. Such a certificate is a requirement for entry into a university, and the decree effectively broadened the conscription base. There are credible reports that the government-controlled militia leader, Paulino Matip, forcibly conscripted boys as young as 10 years of age to serve as soldiers. In October the SPLA pledged to demobilize child soldiers from its forces, and during the year, 116 boys were removed from the army

and placed in school. There are credible reports that child soldiers continued to serve in the SPLA.

The Government operated camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they are detained for indefinite periods. Health care and schooling at the camps generally are poor, and basic living conditions often are primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 2.c.). There were reports that boys in these camps and in homes for delinquent youths were forced to undergo circumcision. Teenagers in the camps often are conscripted into the PDF (see Section 1.f.).

During the last 10 years, thousands of children were abducted by the government-supported LRA, a Ugandan armed opposition group with bases in the southern part of the country (see Section 6.f.). The LRA forced many of the boys to become soldiers and the girls to become sex slaves. In December 1999, the Governments of both countries agreed to stop supporting each other's rebel armies and to return abductees. Subsequently, the Government assisted in repatriating a small number of individuals who had escaped from the LRA. In September both Governments agreed at the Winnipeg International Conference on War Affected Children to work for the speedy release and repatriation of LRA captives; however, implementation has proved problematic due to a lack of cooperation on the part of the LRA.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, especially in the north. An estimated 90 percent or more of females in the north have been subjected to FGM, with consequences that have included severe urinary problems, infections, and even death. Infibulation, the most severe type of FGM, is also the most common type. Usually it is performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary conditions, causing severe pain, trauma, and risk of infection to the child. No form of FGM is illegal under the Criminal Code; however, the health law forbids doctors and midwives from performing infibulation. Women displaced from the south to the north reportedly are imposing FGM increasingly on their daughters, even if they themselves have not been subjected to it. A small but growing number of urban, educated families are abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM, Sunna, as an alternative to infibulation. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation. The Government does not support FGM, and recently it has introduced information about FGM in some public education curriculums. One local NGO is working to eradicate FGM.

People with Disabilities.—The Government does not discriminate against disabled persons but has not enacted any special legislation for the disabled, such as mandating accessibility to public buildings and transportation for the disabled. The 1992 General Education Act requires equal educational opportunities for the disabled.

Religious Minorities.—Muslims predominate in the north, but are in the minority in the south, where most citizens practice traditional indigenous religions or Christianity. There are from 1 to 2 million displaced southerners in the north who largely practice traditional indigenous religions or Christianity. About 500,000 Coptic Christians live in the north. Traditionally there have been amicable relations between the various religious communities, although in previous years there were a small number of clashes.

There are reliable reports that Islamic NGO's in war zones withhold food and other services from the needy unless they convert to Islam. There were reports that Christian NGO's used their services to pressure persons to convert to Christianity during the year.

Non-Muslims legally are free to adhere to and practice their faiths; however, in practice the Government's treatment of Islam as the state religion creates an atmosphere in which non-Muslims are treated as second class citizens (see Section 2.c.). In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. In the past, some non-Muslims lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. There also were reports that Muslims receive preferential treatment for the limited services provided by the Government, including access to medical care.

On December 8, supporters of the outlawed Takfeer and Hijra Muslim groups attacked a rival group's worshippers at a Sunna mosque in Omdurman during Ramadan prayers, killing 26 persons and injuring 40 others. The Government ar-

rested and detained 65 leading members of the Takfeer and Hijra group; most of the individuals remained in detention and had not been tried as of year's end.

National/Racial/Ethnic Minorities.—The estimated population of 27.5 million is a multiethnic mix of over 500 Arab and African tribes with scores of languages and dialects. Northern Muslims, who form a majority of approximately 16 million persons, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) total approximately 6 million and seek independence, or some form of regional self-determination, from the north.

The Muslim majority and the NIF/NC-dominated Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who do not speak Arabic experienced discrimination in education, employment, and other areas. The use of Arabic as the language of instruction in higher education discriminated against nonArabs. For university admission, students completing high school are required to pass examinations in four subjects: English language; mathematics; Arabic language; and religious studies. Even at the university level, examinations in all subjects except English language were in the Arabic language, placing nonnative speakers of Arabic at a disadvantage.

There were reports that in July and August in the Western Upper Nile, predominantly Nuer SPLA forces and predominately Nuer SPDF forces killed at least 50 civilians and abducted more than 20 women and children in intraethnic fighting.

There also were periodic reports of intertribal abductions of women and children in the south, primarily in the Eastern Upper Nile. The abductions are part of traditional warfare in which the victor takes women and children as a bounty and frequently tries to absorb them into their own tribe.

In March 1999, at a grassroots peace conference in Wunlit, Bahr El Ghazal, representatives of the Nuer and Dinka tribes signed a peace covenant. The Dinka and the Nuer are the two largest tribes and had been on opposite sides of the war since 1991. The Wunlit accord provided concrete mechanisms for peace, including a cease-fire, an amnesty, the exchange of abducted women and children, and monitoring mechanisms. The Wunlit accord greatly reduced conflict between the Dinka and Nuer tribes during the year. Thousands of Nuer IDP's have fled into Dinka lands from Upper Nile, and generally they were well received.

A similar attempt in April and May in Lilirr to broker peace on the East Bank among various ethnic groups, including Dinka, Nuer, and Murle clans was less successful, and some of the conflicts between these groups continued.

Although details generally were unavailable, there were credible reports of civilian casualties as a result of ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in eastern Equatoria (see Section 1.a.). Interethnic tensions in the first half of the year resulted in some deaths. Interethnic tensions eased in May and June with the departure of some Dinka to Bor County as part of a relocation program to return them to their homes after having been displaced by the war.

Section 6. Worker Rights

a. The Right of Association.—The RCC abolished the pre-1989 labor unions, closed union offices, froze union assets, forbade strikes, and prescribed severe punishments, including the death penalty, for violations of its labor decrees. Several unions functioned during the year, including the government-controlled Sudan Workers' Trade Union Federation (SWTUF); however, there were no independent unions. The Government dismissed many labor leaders from their jobs or detained them, although most of those arrested during the year were freed by year's end. For example, in April security forces detained four students at the University of Sudan for 4 days for union activities. The 1999 Constitution provides for the right of association for economic and trade union purposes; however, it has resulted in no changes in practice.

The SWTUF is the leading blue-collar labor organization with about 800,000 members. In 1992 local union elections were held after a delay to permit the government-controlled steering committees to arrange the outcomes. The elections resulted in government-approved slates of candidates voted into office by prearranged acclamation. In 1997 largely the same leadership was reelected.

There were some teacher strikes during the year, some lasting several months, to protest the government's failure to pay salaries. During some of the strikes, police and security forces used tear gas and live ammunition to disperse demonstrators; the security forces killed several persons, and detained and beat numerous individuals (see Sections 1.c. and 2.b.).

Unions remained free to form federations and affiliate with international bodies, such as the African Workers' Union and the Arab Workers' Union.

b. The Right to Organize and Bargain Collectively.—A 1989 RCC constitutional decree temporarily suspended the right to organize and bargain collectively. Although these rights were restored to labor organizing committees in 1996, government control of the steering committees meant in practice that the Government dominates the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Although local union officials have raised some grievances with employers, few carried them to the Government. The law does not prohibit antiunion discrimination by employers. The 1999 Constitution provides for the right of organization for economic or trade union purposes; however, it resulted in no changes in practice.

A tripartite committee comprising representatives of the Government, labor unions, and business sets wages. Specialized labor courts adjudicate standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

In 1993 the Government created two export processing zones (EPZ's); it later established a third at Khartoum International Airport. During the year, only the EPZ at Khartoum International Airport was open. The labor laws do not apply in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The 1999 Constitution prohibits forced or compulsory labor; however, slavery persists, particularly affecting women and children. The taking of slaves, particularly in the war zones, and their transport to parts of central and northern Sudan continued.

There have been frequent and credible reports that Baggara raiders, supported by government troops, took women and children as slaves during raids in Bahr El Ghazal state. The Government did not take any action to halt these practices and continued to support some Baggara tribal militias. The majority of the victims were abducted in violent raids on settlements carried out by government-affiliated militias accompanying and guarding troop trains to the southern garrison town of Wau. During the raids, the militias, which frequently are not paid by the Government for their services, exact their own remuneration by abducting women and children, looting villages, and stealing cattle to take back to the north. Civilians often were killed and villages were destroyed. The Government has pledged to end this practice, and there were fewer reports of such raids during the year (see Sections 1.b. and 1.g.). Following the raids, there were credible reports of practices such as the sale and purchase of children, some in alleged slave markets, and the rape of women. Abductees frequently are forced to herd cattle, work in the fields, fetch water, dig wells, and do housework. Abductees are subjected to torture and rape, and at times, are killed. These practices all have a pronounced racial aspect, as the victims are exclusively black southerners and members of indigenous tribes of the Nuba Mountains.

The Government long has denied slavery but acknowledges that abductions occur. The Government also denies involvement or complicity in slavery, and states that hostage taking often accompanies tribal warfare, particularly in war zones not under government control. However, in 1998 the Government formed the Committee to Eliminate the Abduction of Women and Children (CEAWAC) and pledged to end the practice of hostage-taking. Since the creation of CEAWAC, reports of abductions and slavery have been less frequent. However, during the year the Government refused to approve flight clearances for the transfers of the abductees, which has prevented additional reunifications, and the Government did not record the identity of the abductors or forced labor owners and chose not to prosecute them.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively. There continued to be credible reports that government or government-associated forces took children as slaves.

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Sections 1.f. and 5). Conscripts face significant hardship and abuse in military service. The rebel factions continued to force southern men to work as laborers or porters.

Approximately 3,000 Ugandan children have been forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is actively supported by the Government (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for workers is 18 years; however, the law is not enforced in practice. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produce edible oils. In addition severe poverty has produced widespread child labor in the informal, unregulated economy. In rural areas, children traditionally assist their families with agricultural work from a very young age. The 1999 Constitution provides that the

State protect children from exploitation; however, it resulted in no changes in practice.

Child labor exists in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas is exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

The Government does not adhere to the ILO Convention 182 on the worst forms of child labor and has not taken any action to investigate abuses or protect child workers.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively, and there were credible reports that children are taken as slaves (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The legislated minimum wage is enforced by the Ministry of Labor, which maintains field offices in most major cities. Employers generally respect the minimum wage. Workers who are denied the minimum wage may file a grievance with the local Ministry of Labor field office, which then is required to investigate and take appropriate action if there has been a violation of the law. In January 1999, the minimum wage theoretically was raised from approximately \$9 (24,000 Sudanese pounds) per month to approximately \$11 (3,000 Sudanese dinars or 30,000 Sudanese pounds) per month; however, most government offices continue to pay the old rate. The Sudanese Workers Trade Union Federation requested the Minister of Finance to execute the increase retroactively, and the Minister promised to increase the minimum wage when submitting the next Government budget; however, such an increase of the minimum wage had not occurred by year's end. The current minimum wage is insufficient to provide a decent standard of living for an average worker and family.

The workweek is limited by law to six 8-hour days, with a day of rest on Friday, which generally is respected.

Legal foreign workers have the same labor rights as domestic workers. Illegal workers have no such protections and, as a result, typically work for lower wages in worse conditions than legal workers.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor is minimal. The law does not address the right of workers to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, the 1999 Constitution specifically prohibits slavery and forced labor; however, slavery persists, particularly affecting women and children (see Sections 5 and 6.c). The taking of slaves, particularly in war zones, and their transport to parts of central and northern Sudan, continued. Credible reports persist of practices such as the sale and purchase of children, some in alleged slave markets. Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops. During the year, there were occasional reports of abductions of women and children by government and government-associated forces who sold women for domestic servants.

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

There are credible reports that intertribal abductions of women and children continued in the southern part of the country.

During the past 10 years, approximately 3,000 Ugandan children were kidnaped by the LRA, taken to southern Sudan, and forced to become sex slaves or soldiers. The Government actively supported the LRA. There were also reports in previous years that the LRA had sold and traded some children, mostly girls, or provided them as gifts, to arms dealers in Sudan. In December 1999, the Government agreed to cease supporting the LRA. During the year, there were talks between both Governments aimed at repatriation of the abductees (see Section 5).

While the Government has pledged to end abduction and slavery, and the creation of the CEAWAC in May 1998 (see Section 1.b.) has resulted in the return of approximately 300 abducted individuals, 10,000 to 12,000 slaves remain in captivity at year's end. During the year, the Government's refusal to approve flight clearances for the transfers of the abductees prevented additional reunifications. Furthermore, the Government did not record the identity of the abductors or forced labor owners, and chose not to prosecute them.

SWAZILAND

Swaziland is governed as a modified traditional monarchy with executive, legislative, and limited judicial powers ultimately vested in the King (Mswati III). The King rules according to unwritten law and custom, in conjunction with a partially elected parliament and an accompanying structure of published laws and implementing agencies. Despite a professed intention to alter the current system, the steps taken by the King toward reform have resulted in little progress. Parliamentary and municipal elections were held in 1998 and introduced increased representative government; however, political power continues to rest largely with the King and his circle of traditional advisors, including the Queen Mother. The 1968 Constitution was suspended by the present King's father in 1973. Based upon the 1973 decree, the King has the authority to issue decrees that carry the force of law, and exercised this authority with the introduction of the 1998 Administrative Order. The 1973 decree also bans political parties, meetings, and processions except in local "Tinkhundla" administrative centers or as authorized by the police. There are public demands to lift the 1973 decree. The judiciary is generally independent; however, the King has certain judicial powers. In addition, the judiciary's independence was occasionally challenged by individuals in high positions, including the Minister of Justice and Constitutional Affairs and the traditional governor of the royal family, who have made attempts to influence or overturn some court decisions. The Chief Justice of the High Court (a South African citizen appointed by the King) has resisted pressure to yield any powers to those outside the judiciary.

Both the Umbutfo Swaziland Defense Force and the Royal Swaziland Police operate under civilian control and are responsible for external and internal security. Some communities, questioning the ability of National Police to deal with enforcement at the community level, have formed community police. Reports of conflicts between national and community police have subsided. Members of both the National Police and the community police committed some human rights abuses.

Swaziland has a free market economy, with relatively little government intervention. The majority of citizens are engaged in subsistence agriculture, although a relatively diversified industrial sector now accounts for the largest component of the formal economy. The economy relies heavily on the export sector, especially on the wood pulp, soft drink concentrate, and sugar industries, which are composed primarily of large firms with mostly foreign ownership. The country depends heavily on South Africa from which it receives almost all of its imports and to which it sends the majority of its exports. A quasi-parastatal organization established by royal charter maintains large investments in major sectors of the economy, including industry, agriculture, and services. This parastatal normally requires partnership with foreign investors and international development agencies.

The Government's human rights record was generally poor, and there continued to be serious human rights problems. Citizens still are not able to change their government. Police continued to torture and beat some suspects. The Government generally failed to prosecute or otherwise discipline officers who committed abuses. Prison conditions meet minimum international standards; however, government remand centers are overcrowded. The Government continued to use a nonbailable offense provision. The Government infringed on citizen's privacy rights. The Government continued to limit freedom of speech and of the press, restraints continued on news coverage by government-owned broadcast houses, and all media practiced some self-censorship, although journalists spoke out on key issues. There has been slow progress in the drafting of a media policy to replace the proposed media council bill. The Government restricted freedom of assembly and association and retained prohibitions on political activity, although numerous political groupings operated openly and voiced opinions critical of the Government, which received prominent press coverage. However, the police on occasion harassed political activists. Police forcibly dispersed a community prayer service alleged to be a political activity. There are some limits on freedom of movement. Legal and cultural discrimination and violence against women, as well as abuse of children, remained problems. Some societal discrimination against mixed race and white citizens persisted. The Government restricted workers' rights. In June the King signed the Industrial Relations Act 2000 (IRA) into law and it became effective on August 25; the act was amended in November, and the amended act remedies many of the inequities in the 1996 labor law.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government agents. Three bombings took place between August and November 1998, apparently timed to coincide with major state events; one of the bombings killed one person. Although a previously unknown group claimed responsibility for the bombings, the existence of the group was unconfirmed and the perpetrators remained unidentified and their motives unknown.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There were credible reports by criminal defendants that the security forces used torture during interrogation. Police sometimes beat criminal suspects and occasionally used the “tube” style of interrogation, in which police suffocate suspects through the use of a rubber tube around the face and mouth. The Government generally failed to prosecute or otherwise discipline police officers for such abuses. An internal complaints and discipline unit investigates reports of human rights abuses by the police, but no independent body has the authority to investigate police abuses. However, courts have invalidated confessions induced through physical abuse; for example, in September 1998, the High Court awarded a former prisoner approximately \$7,000 (42,000 emalangeni) in damages for cruel and unusual punishment suffered while incarcerated in 1992-94.

On September 9, police used force to disperse worshippers, injuring more than 60 persons (see Section 2.c.).

Overcrowding and generally poor prison conditions were alleviated markedly through the opening of new institutions including a modern correctional facility for women. In 1998 foreign diplomats and representatives of international agencies toured the prisons, including maximum-security institutions, and reported favorably on improved medical care, nutrition, sanitation, and vocational training. The use of nonbailable provisions led to less favorable conditions, including continued overcrowding in government remand centers where suspects are held during pretrial detention and often are released for time served after being sentenced (see Section 1.d.). Women and juveniles are held in separate prison facilities.

The Government routinely has permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations, and some prison visits by journalists and political figures occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law requires warrants for arrests in most circumstances, except when police observe a crime being committed or have reason to believe that a suspect may flee. Detainees may consult with a lawyer of their choice and must be charged with the violation of a statute within a reasonable time, usually 48 hours, or, in remote areas, as soon as the judicial officer appears. The authorities generally respected these rights in practice.

In September police detained without charges two members of the banned political party SWAYOCO for a few hours after they raided the home of opposition leader Zodwa Mkhonta (see Section 2.b.).

On November 10, the president of the banned political party PUDEMO, Masuku, was arrested on charges of sedition; on November 15 he was released on bail, and his trial was pending at year's end.

In September 1999, an editor of an independent newspaper was arrested for criminal defamation after reporting that the King's latest fiancée was a high-school dropout (see Section 2.a.).

The Government continued to limit the provisions for bail for crimes appearing in the Nonbailable Offenses Order, which became effective in 1993 and was strengthened by Parliament in 1994. The Order currently lists 11 offenses. The mere charge of the underlying offense, without any evidentiary showing that the suspect is involved, is sufficient to employ the nonbailable provision. The Minister of Justice may amend the list by his own executive act.

In November there were reports that the Government was considering reinstating the practice of detaining persons for up to 2 months without formal charges, a policy that had been used in the country under the predecessor to King Mswati III; however, the Government denied these reports, and such a policy was not implemented by year's end.

The Government does not use forced exile. There are no barriers to prevent the return of dissidents.

e. Denial of Fair Public Trial.—The judiciary is generally independent; however, the King has certain judicial powers. In addition, the judiciary's independence was occasionally challenged by individuals in high positions, including the Minister of Justice and Constitutional Affairs and the traditional governor of the royal family,

who have made attempts to influence or overturn some court decisions. The Chief Justice of the High Court (a South African citizen appointed by the King) has resisted pressure to yield any powers to those outside the judiciary. However, the Government ignored a ruling on September 5 by the Chief Justice that prohibited the eviction of two Swazi chiefs. On October 5, the Chief Justice rescinded the injunction against the eviction after the Attorney General gave him an affidavit stating that the King had decreed the evictions and that the High Court had no jurisdiction over the case (see Section 3). The case was appealed to the Court of Appeals, which ruled on December 14 that the Chief Justice's original ruling was correct.

Judicial powers are vested in a dual system, one independent and based on Western law, the other based on a system of national courts that follows unwritten traditional law and custom. In treason and sedition cases, the King can circumvent the regular judiciary by appointing a special tribunal, which may adopt rules and procedures different from those applied in the High Court; however, this power was used last in 1987.

The Western judiciary consists of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrate courts, all of which are independent of executive and military control and free from intimidation from outside forces. The expatriate judges, often distinguished members of their respective bars, serve on the basis of 2-year renewable contracts. Local judges serve indefinitely on good behavior. In magistrate courts, defendants are entitled to counsel at their own expense. Court-appointed counsel is provided in capital cases or when difficult points of law are at issue. There are well-defined appeal procedures up to the Court of Appeals, the highest judicial body. A lack of an independent court budget, lack of trained manpower, inadequate levels of salary remuneration, and managing case work remain problems for the judiciary.

Most citizens who encounter the legal system do so through the traditional courts. The authorities may bring ethnic Swazis to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants are not permitted formal legal counsel but may speak on their own behalf and be assisted by informal advisers. Sentences are subject to review by traditional authorities and can be appealed to the High Court and the Court of Appeals. The public prosecutor legally has the authority to determine which court should hear a case, but in practice the police usually make the determination. Accused persons have the right to transfer their cases from the traditional courts. Delays in trials are common.

In November 1998, the King issued an administrative order that strengthened the judicial powers of traditional chiefs appointed by the King. The order provides for chiefs' courts with limited civil and criminal jurisdiction and authorizes the imposition of fines up to approximately \$50 (300 emalangeni), and prison sentences of up to 3 months. Accused persons are required to appear in person without representation by a legal practitioner or advocate. However, chiefs' courts only are empowered to administer customary law "insofar as it is not repugnant to natural justice or morality," or inconsistent with the provisions of any law in force. The order provides that defendants may appeal decisions of the chiefs' court to regional appeal courts and to the higher courts of appeal. Appeals in criminal matters can be taken to the Judicial Commissioner as a last resort, and the High Court is the court of last resort for civil matters. Human rights organizations and the press expressed serious concern over issuance of the 1998 administrative order.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires a warrant from a magistrate before police may search homes or other premises, and police generally respect this requirement in practice; however, police officers with the rank of subinspector or higher have the right to conduct a search without a warrant if they believe that evidence might be lost through the delay in obtaining a warrant. Searches without warrants occur occasionally.

There were occurrences of physical surveillance by the police on members of labor unions and banned political groups.

On October 13, the Operation Support Service Unit (OSSU) of the Royal Swaziland Police (RSP) and the Umbutfo Swaziland Defense Force (USDF) evicted from their residences and relocated two Swazi chiefs, members of their families, and supporters who opposed the imposition of a prince in the chiefs' positions. Reportedly 200 villagers who were supporters of the chiefs were scattered throughout the country; some were moved to an open field where they sought temporary shelter unsuccessfully. Some families were allowed to return to their residences after apologizing to Prince Maguga and recognizing him as their chief.

There were reports that in September police entered a private home and arrested two SWAYOCO members (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government limits freedom of speech and of the press through a continuing formal ban on political parties and occasional harassment of journalists. The Government also has discouraged critical news coverage of the royal family, and journalists practice self-censorship in regard to the immediate royal family and national security policy.

During the October 13 eviction of two Swazi chiefs from their residences by the Government, some journalists were harassed, and a Swazi television journalist was arrested and detained for 4 hours after the police confiscated his tape recording and accused him of operating as an informant for a foreign government (see Sections 1.f. and 3).

In September 1999, an editor of an independent newspaper was arrested for criminal defamation after reporting that the King's latest fiancée, now one of his wives, was a high-school dropout. After being released on bail, the editor was fired from his job. In response to the scandal, the Ministry of Public Service drafted antidefamation statutes, which were pending approval by the Attorney General and Parliament in 1999; however, there was no further action on them during the year. In February the authorities closed the Government-owned newspaper, *Swazi Observer*, due to alleged financial problems; many observers considered this a final response to the negative press reports regarding the King's fiancée. Some observers also considered the newspaper closure to be a response to the refusal of the newspaper to reveal the sources of several stories, including a report on the police raid of a SWAYOCO meeting (see Section 2.b.).

In general both government-owned and independent newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste, frequently using harsh invectives. However, the Government uses the same media to rebut such allegations. With some exceptions, the Government continued to withhold its advertising from the country's only independently-owned daily newspaper. The Prime Minister's office distributes a free weekly circular reporting on government policy and activities.

The Government has a monopoly over television and radio programming. There are two government-owned radio stations. There is one independent station, but it only broadcasts religious programs. The government-owned television and radio stations—the most influential media in reaching the public—generally followed official policy positions. Government broadcast facilities retransmit Voice of America and British Broadcasting Corporation news programs in their entirety.

Private companies and church groups own several newsletters, magazines, and one radio station that broadcasts throughout the region, but these generally avoid political controversy. The Christian Broadcasting Company radio station is allowed to operate despite the fact that it is government policy not to permit private broadcasters to operate in the country.

The practice of self-censorship and the prohibition of political gatherings limit academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly. King Sobhuza's 1973 decree prohibits meetings of a political nature, processions, or demonstrations in any public place without the consent of the Commissioner of Police. The authorities did not routinely grant permission to hold such meetings, and on at least one occasion in September, police disrupted meetings organized by pro-democracy activists under the authority of the 1973 decree. There were also reports that police raided a gathering of SWAYOCO members and beat and arrested two SWAYOCO members in September (see Section 1.d.).

Several traditional forums exist for the expression of opinion, including community meetings, national councils, and direct dialog with area chiefs. However, these local channels are not meant as a vehicle for political change; they often depend on the whims of leaders and are not consistently effective channels for expressing political dissent. In addition there was a report that a chief threatened to evict families from ancestral land if they included members of a banned political party.

On October 23, members of the Swaziland Federation of Trade Unions (SFTU) and the Swaziland National Association of Teachers (SNAT) marched to the Prime Minister's office to present a petition denouncing the eviction of two chiefs from their residences (see Sections 1.f. and 3). On October 24, students from the University of Swaziland and William Pitcher Teachers' College, along with opposition leaders, also marched to present a petition regarding the evictions but were denied entry by police in riot gear and blockades. After several hours, the police threatened forcible removal, and the protesters dispersed. It was reported that at least 18 students were injured (see Sections 1.c and 3).

The Government restricts freedom of association. King Sobhuza's 1973 decree prohibits political parties.

c. Freedom of Religion.—There are no formal constitutional provisions for freedom of religion; however, the Government generally respects freedom of religion in practice. Followers of all religious faiths are generally free to worship without government interference or restriction; however, police cancelled two prayer meetings on August 26 and September 3 on the grounds that they had political overtones. In addition, on September 9, police used force to disperse a community prayer service just as an opposition leader rose to address the meeting. Two individuals were wounded by rubber bullets and 60 persons were treated for minor injuries that occurred after police fired tear gas canisters into the crowd.

New religious groups or churches are expected to register with the Government upon organizing in the country. Government permission is required for the construction of new religious buildings. Non-Christian groups sometimes experience minor delays in obtaining permits from the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens may travel and work freely within the country; however, under

In the days leading up to the 1998 elections, the police searched dozens of homes, including those of trade union leaders and opposition political figures ostensibly in response to some of the bombing incidents that occurred between August and November 1998 (see Section 1.a.). No one was arrested or detained.

As provided under law, the House of Assembly nominated 10 members from the public at large to serve in the upper house or Senate. The King appointed the additional 20 Senate members. The Cabinet of Ministers, sworn in on November 20, 1998, included only three elected Members of Parliament, with the balance drawn from appointed members of the House and Senate.

Elections were held by secret ballot without major difficulties in August 1998 to select new municipal councils in 11 cities and towns across the country. Approximately 70 percent of all eligible voters registered to vote, but only 22 percent of registered voters actually cast ballots. Citizens voted largely without interference or intimidation, except for scattered incidents in Mbabane where representatives of PUDEMO opposed to participation in the election attempted to deter voting activities.

Pressure has been building for several years to modernize the political system, and both the King and the Government recognize that there is a need for political reform, including the drafting of a new constitution and, specifically, a bill of rights. In 1996 the King appointed a 30-member Constitutional Review Commission (CRC), with the stated purpose of examining the suspended 1968 Constitution, carrying out civic education, determining citizens' wishes regarding a future system of government, and making appropriate recommendations on a new constitution. The CRC compiled a constitutional framework, including portions of the 1968 Constitution still in force, the 1973 decree as currently amended, and the 1992 Establishment of Parliament Order. The CRC distributed this framework nationwide as a starting point for discussion. However, the CRC made very limited progress due to members resigning to protest the Commission's terms of reference, and multiple internal disputes. At year's end, the CRC had 22 members after four members resigned and four died during the year. Observers criticized the independence of the CRC because the majority of its members are traditionalists. In addition the Government prohibited media coverage and group submissions. In October, after several extensions of its deadline, the CRC submitted a draft report to the King; however, the report was not released to the public by year's end, and it is not scheduled for release until 2001.

On at least one occasion in September police disrupted meetings held by pro-democracy activists, and in February police raided a SWAYOCO meeting (see Section 2.b.).

On October 13, the Operation Support Service Unit (OSSU) of the Royal Swaziland Police (RSP) and the Umbutfo Swaziland Defense Force (USDF) evicted from their residences and relocated two Swazi chiefs, members of their families and supporters. Although the Chief Justice issued a ruling against the eviction order on September 5, the Chief Justice subsequently rescinded it after the Attorney General presented an affidavit stating that the King had decreed the evictions (see Sections 1.e., 1.f., 2.a., and 2.b). The case was appealed to the Court of Appeals, which ruled on December 14 that the Chief Justice's original ruling was correct. The two chiefs and some of their supporters sought asylum in a neighboring country. The 1998 Administrative Order was cited by the Minister of Home Affairs as a justification for ousting the two chieftains and imposing upon the communities Prince Maguga Dlamini of the royal family as the new chief despite the fact that custom implies that chieftancy is hereditary. Several communities organized prayer meetings where they questioned the validity of the order.

Human rights organizations, church groups, labor unions, and other NGO's conducted their own active programs of constitutional and human rights civic education. In May the National Democratic Institute, in conjunction with the country's Council of Churches, organized a 3-day constitutional conference that was well-supported and well-received by these groups as well as the Government.

Women generally have full legal rights to participate in the political process; however, women are underrepresented in the Government and politics. There are 4 women in the 65-member House of Assembly formed after the October 1998 elections, 4 women in the 30-seat Senate, and 2 women among the 16 ministers in the Cabinet. A woman serves as Secretary to the Cabinet and the head of the civil service. Three women serve as principal secretaries, the most senior civil service rank in the ministries. There are 3 women on the 30-person Constitutional Review Commission. However, in accordance with societal practice, widows in mourning (for periods that can vary from 6 months to 3 years) are prevented from appearing in certain public places and from being near the King and, as a result, can be excluded from voting or running for office.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permits domestic human rights groups to operate. Human rights groups often have spoken out on a number of occasions, criticizing the lack of accountability and transparency in government circles. There were no visits by international human rights organizations, although foreign diplomats and local representatives of international agencies were invited to tour correctional facilities (see Section 1.c.). The Government solicited and obtained expert assistance from the International Labor Organization (ILO) in 1997 to form a tripartite committee charged with redrafting national industrial relations legislation, and in October requested the assistance of the ILO to bring the 2000 IRA into conformity with international labor standards (see Section 6). In November an ILO team traveled to the country to provide technical assistance in drafting a final, amended version of the 2000 IRA.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1980 Employment Act forbids employers to discriminate on the basis of race, religion, sex, or political affiliation. Under the act, employees may bring suit against employers for discrimination, and there also are provisions for criminal prosecutions; however, there is no record of any suits or prosecutions. The act reportedly has been used on occasion to bring moral suasion to bear against employers. Legal and cultural discrimination against women remains a problem. Mixed race citizens sometimes experience societal discrimination.

Women.—Violence against women, particularly wife beating, is frequent, despite traditional strictures against this practice. Women have the right to charge their husbands with assault under both the Western and the traditional legal systems, and urban women frequently do so, usually in extreme cases when intervention by extended family members fails to end such violence. Rural women often have no alternative but to suffer in silence if family intervention does not succeed, because the traditional courts can be unsympathetic to “unruly” or “disobedient” women and are less likely than the modern courts to convict men for wife beating. Rape is also common and is regarded by many men as a minor offense, while women are inhibited from reporting such crimes by a sense of shame and helplessness, especially when incest is involved. Even in the modern courts, sentences frequently amount to no more than several months in jail, a fine, or both. The Legal Code provides some legal protection from sexual harassment, but its provisions are vague and largely ineffective. Several NGO’s provide support for victims of abuse or discrimination.

Women occupy a subordinate role in society. In both civil and traditional marriages, wives are treated as minors legally, although those who marry under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally requires her husband’s permission to borrow money, open a bank account, obtain a passport, leave the country, gain access to land, and, in some cases, take a job. An unmarried woman requires a close male relative’s permission to obtain a passport (see Section 2.d). Despite the 1980 Employment Act that required equal pay for equal work, men’s average wage rates by skill category usually exceed those of women.

The dualistic nature of the legal system complicates the issue of women’s rights. Since traditional marriage is governed by uncoded law and custom, women’s rights often are unclear and change according to where and by whom they are interpreted. Couples often marry in both civil and traditional ceremonies, creating problems in determining which set of rules applies to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. In traditional marriages, a man may take more than one wife. A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction sometimes is ignored. Traditional marriages consider children to belong to the father and to his family if the couple divorces. Children born out of wedlock are viewed as belonging to the mother. Under the 1992 Citizenship Act, a woman does not pass citizenship automatically to her children. Inheritances are passed through male children only.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations are breaking down barriers to equality. Women routinely execute contracts and enter into a variety of transactions in their own names. The Government has committed itself to various women’s initiatives, and the Ministry of Home Affairs coordinates women’s issues. For example, the Government established a task force to address domestic gender issues and has held workshops for journalists in 1998 on gender sensitivity, while the Min-

istry of Education has launched an initiative to promote gender sensitization of school curriculums.

Children.—The Government is concerned with the rights and welfare of children, and a number of laws directly address children's issues. The Government does not provide free, compulsory education for children. The Government pays teachers' salaries while student fees pay for books and the buildings' fund. Supplemental money sometimes must be raised for building upkeep, including teachers' housing. However, the country has a 99 percent primary school enrollment rate. A government task force educates the public on children's issues.

Child abuse is a problem. Children convicted of crimes sometimes are caned as punishment. There is a growing number of street children in Mbabane and Manzini. The law provides protection to children under 16 years from sexual exploitation and sets the age of sexual consent at 16 years (see Section 6.d.); however, female children sometimes suffer sexual abuse, including by family members.

People with Disabilities.—The Ministry of Home Affairs has called for equal treatment of the disabled; however, there are no laws that protect the rights of the disabled or that mandate accessibility for the disabled to buildings, transportation, or government services. A government task force was established in 1997 to address issues affecting persons with disabilities, and in December 1998 the Minister of Health and Social Welfare announced that a bill giving preferential treatment to disabled persons for building access and other needs was in the final stages of preparation for submission to the Parliament. The bill has yet to be introduced in Parliament; however, all new government buildings under construction include improvements for the disabled, including accessibility ramps.

Section 6. Worker Rights

a. The Right of Association.—The 1996 IRA permitted workers in all elements of the economy, including the public sector, to join unions and allowed unions to associate freely in the context of traditional trade union concerns; however, it imposed criminal penalties for union activity outside core union concerns, specifically on social or political issues, and provided that the Government could suspend or close down unions that focused too much on such noncore labor matters. It prohibited trade union federations (but not individual unions) or their officers from engaging in any act that "causes or incites" the slowdown or cessation of work or economic activity, or from acting in any way that might be construed as a "restraint of trade," with 5 years' imprisonment the maximum penalty for such violations. Employers faced equivalent penalties for unauthorized lockouts. The 1996 IRA confined unions and employer organizations to single industries, and did not permit organization across economic and industrial sectors, contrary to ILO Convention 87. On August 25, the Industrial Relations Act, signed into law in June by King Mswati III, came into effect and replaced the 1996 Industrial Relations Act. It was expected that the new act would improve many of the past inequities in the 1996 labor law and bring the country into full conformity with international labor conventions. The act had been endorsed by employees and employers, and passed both houses of Parliament; however, the Swaziland National Council (SNC), an appointed body of traditional advisors to the King, made several amendments to the legislation which Parliament then approved, before the King signed the act that inhibit the right of association. However, the Government, with technical assistance from the ILO, revised the controversial amendments in the act, and the amended act was passed by Parliament and signed by the King in November. The final, amended 2000 IRA remedies many of the inequities of the 1996 IRA and provides that an employee who is not engaged in an essential service has the right to participate in a peaceful protest action to promote socio-economic interests.

The main trade union federation is the Swaziland Federation of Trade Unions (SFTU). A second trade union federation is the Swaziland Federation of Labor, which broke away from the SFTU in 1993 and gained formal recognition from the Government in 1994.

Unions are free to draw up their own constitutions within the framework of the 2000 IRA, as under the 1996 IRA. The 2000 act specifies a number of provisions that must be addressed in a constitution, including the election of officers by secret ballot. The Labor Commissioner must approve the union constitution, and can strike out or amend provisions that violate the law. The Government may suspend unions that fail to maintain proper registration with the Labor Commissioner without recourse to judicial review (under the 1996 act it could dissolve such unions). There is no collusion between the Government and business in relation to worker rights. The Labor Commissioner may reinstate unions quickly, once they have met all the legal requirements of the 2000 act.

The 2000 IRA, like the 1996 IRA, details the steps to be followed when disputes arise, including the definition of a legal or illegal strike. The final, amended 2000 IRA shortened the notice that an organization or federation is required to give before it commences a protest action from 3 weeks to 2 weeks. The act empowers the Government to mediate employment disputes and grievances through the Labor Advisory Board. When disputes arise, the Government often intervenes to try to reduce the chances of a strike, which may not be called legally until all avenues of negotiation have been exhausted, and a secret ballot of union members has been conducted. The 2000 law prohibits strikes in "essential" services, which include police and security forces, correctional services, fire fighting, health, and many civil service positions. The 1996 law had included other occupations such as electricity, water, sanitation, telephone, telegraph, and broadcasting under the "essential services" category.

In recent years, there have been a number of strikes, usually over wages and benefits, or the dismissal of fellow workers. Approximately 32 state television employees were dismissed in November 1999 after striking for higher wages and better working conditions. On September 14, the Minister of Public Service and Information ordered the reinstatement of the employees; however, on September 20 he withdrew the order, citing lack of jurisdiction over the matter. On September 28 and 29, the SFTU and Swaziland Federation of Labor (SFL) called a nationwide strike to protest the controversial clauses in the 2000 IRA; however, a last minute court order declared the strike illegal and discouraged many workers from participating. There were reports that riot police and soldiers were dispatched to the potential strike site and set up road blocks between the town of Manzini and the capital. Unionists alleged that police shot at a group of workers in Manzini, but there were no reports of arrests or injuries.

Although the Government maintained that all outstanding issues already had been addressed, the SFTU continued to press for action on the 27 demands it presented in 1994, including calls for fundamental political change. These demands addressed a wide range of issues, including recognition of affirmative action, a national uniform minimum wage, an end to discrimination against women, the provision of better housing for workers, inclusion of worker representatives in constitutional discussions, and the lifting of the 1973 Decree that suspended the Constitution and outlawed political parties.

The ILO Committee of Experts (COE) had noted discrepancies between the 1996 IRA and ILO Convention 87 on Freedom of Association and ILO Convention 98 on the right to organize and bargain collectively. The COE concerns included the powers accorded government officials to control union activity and the strictures on the ability of workers to form unions and associate with other unions at home and abroad. Although the COE was expected to highlight any discrepancies between the 2000 IRA and the ILO conventions at its November-December meeting, the Government's revisions of the act in November, with ILO assistance, precluded that review.

b. The Right to Organize and Bargain Collectively.—The 2000 IRA, like the 1996 IRA, provides for the right to organize and bargain collectively and outlaws antiunion discrimination. Collective bargaining is widespread; approximately 80 percent of the formal private sector is unionized. The law obliges employers to recognize a union when it achieves over 50 percent membership among employees. Employers must allow representatives of legally recognized unions to conduct union activities on company time. The Industrial Court may refuse to register collective bargaining agreements in the event of nonobservance of any requirement of the 2000 IRA. The 1996 IRA prohibited trade union federations or their officers, but not individual unions, from inciting any slowdown of work or economic activity or acting in any way that might be construed as a restraint of trade. It provided equivalent penalties to employers in the case of unauthorized lockouts. The 2000 IRA entitles works councils, which are to be established in factories with 25 or more employees in the absence of a trade union, to negotiate terms and conditions of work, wages, and welfare.

Disputes were referred to the Labor Commissioner and the Industrial Court, if necessary. Although many employers resisted recognition and forced the issue to the Industrial Court, the Court generally ruled in favor of the unions in these cases. In the case of unfair dismissal, the court could order reinstatement and compensation for the employee, as well as fine the employer. Union leaders made credible charges that management in various industries dismissed workers for union activity. The Government sometimes instigated such dismissals. The 2000 act provides for disputes to be referred to the Conciliation, Mediation, and Arbitration Committee (CMAC). The Deputy Labor Commissioner chairs the CMAC.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including by children, and the Government generally enforces this prohibition effectively; however, the SFTU cited the 1998 Administrative Order as a form of forced labor, because it reinforces the tradition of residents doing traditional tasks for chiefs and allows the chiefs to fine their subjects for failing to carry out the manual labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1980 Employment Act prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours that can be worked on schooldays, and limits children's work-hours overall to 6 per day or 33 per week. Employment of children in the formal sector is not customary; however, children below the minimum age frequently are employed in the agricultural sector, particularly in the eastern cotton-growing region. Children also are employed as domestic workers, and as herd boys in rural areas. The Ministry of Labor is responsible for enforcement, but its effectiveness is limited by personnel shortages. The law prohibits prostitution and child pornography. The age of protection against sexual exploitation and the age of sexual consent is 16 years; however, there were reports that Mozambican girls worked as prostitutes in the country.

The law prohibits forced labor, including by children, and the Government enforces this prohibition effectively.

e. Acceptable Conditions of Work.—There is a legally mandated sliding scale of minimum wages depending on the type of work performed. These minimum wages generally provide a worker and family with a decent standard of living. The minimum monthly wage for a domestic worker is approximately \$30 (180 emalangeni), for an unskilled worker \$47 (280 emalangeni), and for a skilled worker \$75 (450 emalangeni).

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector, except for security guards who work up to six 12-hour shifts per week. The Employment Act and the Wages Act entitle all workers to 1 day of rest per week. Most workers receive a minimum of 12 days annual leave. The Labor Commissioner enforces standards in the formal sector. There are extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions frequently are brought into play. There also are penalties for employers who conduct unauthorized lockouts.

Extensive legislation protects worker health and safety. The Government sets safety standards for industrial operations, and it encourages private companies to develop accident prevention programs. Recent growth in industrial production has necessitated more government action on safety issues. However, the Labor Commissioner's office has conducted few safety inspections in recent years because of staffing deficiencies. Workers have no formal statutory rights to remove themselves from dangerous work places without jeopardizing their jobs; nor do any collective bargaining agreements address the matter.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although there are laws prohibiting procurement, including by coercion and within and across borders, for the purposes of prostitution, and, unlike in the previous year, there were no reports that women and children were trafficked for sexual exploitation during the year.

TANZANIA

The United Republic of Tanzania amended its Constitution in 1992 to become a multiparty state. On October 29, the country conducted its second multiparty national elections for president and parliament. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote, and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in its majority in Parliament, winning 167 out of 181 seats. In the October elections, opposition candidates gained 11 seats in 6 of the 19 mainland regions, giving them a total of 14 seats in Parliament in 8 out of 20 regions. In the 5 administrative regions of Zanzibar, the opposition Civic United Front (CUF) won 16 seats. The islands of Zanzibar are integrated into the United Republic's governmental and party structure; however, the Zanzibar Government, which has its own president and parliament, exercises considerable autonomy. In October presidential and parliamentary elections took place in Zanzibar; however, the vote was marred

by irregularities, voter intimidation, and politically-motivated violence. Votes were cancelled in 16 constituencies, and new votes were held on November 5. The CUF boycotted the revotes in protest. The ruling CCM party won a majority of 34 seats in the House of Representatives and 35 seats in the National Assembly. The national judiciary is formally independent but suffers from corruption, inefficiency, and executive interference.

The police have primary responsibility for maintaining law and order. They formerly were supported by citizens' anticrime groups and patrols known as "Sungusungu." The Sungusungu remain active in rural areas, but have virtually disappeared from urban areas. There are also Sungusungu groups composed of refugees in most refugee camps that act as quasi-official security forces. The military is composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) is a division of the national police force. Security forces regularly committed human rights abuses.

Agriculture provides 85 percent of employment. Cotton, coffee, cashews, sisal, tea, and gemstones account for most export earnings. The industrial sector is small. Economic reforms undertaken since 1986, including liberalization of agricultural policy, the privatization of state-owned enterprises, the rescheduling of foreign debt payments, and the freeing of the currency exchange rate, helped to stimulate economic growth, as has the decline in the rate of inflation. In 1999 the gross domestic product (GDP) was \$8,019 million. The GDP growth rate was 4 percent and per capita GDP equaled \$252 for the first quarter of the year. While the Government has attempted to improve its fiscal management, pervasive corruption constrains economic progress.

The Government's human rights record was poor; while there were improvements in a few areas, there continued to be serious problems. Citizens' right to change their government in Zanzibar continued to be circumscribed severely by abuses of and limitations on civil liberties. Police continued to harass and intimidate members and supporters of the political opposition before and after the October elections. Security forces committed extrajudicial killings and beat and otherwise mistreated suspects. The police in Zanzibar attacked and beat civilians, and there were reports that police in Zanzibar used torture, including floggings. Police also beat demonstrators. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention and prolonged detention remained problems. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption, which was documented in the Warioba Commission's 1997 report, continued to have a broad impact on human rights. The Government infringed on citizens' privacy rights and limited freedom of speech and of the press, and freedom of assembly and association. Significant resentment and hostility led to attacks on some refugees. The Government obstructed the formation of domestic human rights groups. Violence and discrimination against women remained serious problems. Abuse of children, female genital mutilation (FGM), and child prostitution were problems. The Government continued to infringe on workers' rights and child labor persisted. There were some instances of forced labor. Mob justice remained severe and widespread.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, the authorities were responsible for a number of extrajudicial killings. Security forces used excessive force while dispersing demonstrations and political meetings on the mainland, which resulted in some deaths (see Section 2.b.). In May FFU officers in Iringa were accused of beating a man to death for not paying a "development levy;" no further information was available on the case at year's end. In July police killed a prisoner while he was in remand. No further information was available on the case at year's end.

In February 1999, two police and two FFU officers were accused of beating to death a prisoner in detention. No further action was taken against those responsible by year's end.

In October 1999, in retaliation for a theft, TPDF soldiers in Dodoma attacked a village, killing one civilian. No further action was taken against those responsible by year's end.

In February 1999, members of the quasi-official citizens' anticrime group known as Sungusungu killed five persons accused of murdering witches in Shinyanga. The case still was under investigation by local authorities, and no further action was taken by year's end.

Prison conditions were harsh and life threatening. A prisoner in Moshi Prison died in July. Although the police denied responsibility, the autopsy showed the body was beaten badly and possibly strangled. The Government had not undertaken an investigation into the incident by year's end (see Section 1.c.).

In 1998 police opened fire on protestors who rioted in Mwembechai when police attempted to disperse a crowd of Muslims protesting the arrest of a popular Muslim leader, killing three persons and wounding several others. Subsequently, 23 Members of Parliament (M.P.'s) demanded parliamentary discussion of police brutality in connection with the incident, but the National Assembly Speaker denied the request, saying that it was an internal police matter. No further action was taken in connection with the matter during the year.

There were no developments in the 1993 police killing of a member of the opposition party Civic United Front (CUF) on the island of Pemba. After a lengthy investigation, the authorities charged the policeman who fired the shots with involuntary manslaughter; the officer remains free on bail. Nearly 8 years after the event, the case still has not gone to trial. Observers believe that the case will never be tried.

Instances of mob justice against suspected criminals continued to claim dozens of lives. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves, who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. Such events are so common that they often are grouped together in newspapers with reporting on car accidents and other mishaps. Many instances never are reported. The widespread belief in witchcraft has led, in some instances, to the killing of alleged witches by their "victims," aggrieved relatives, or mobs. The Government estimated in 1998 that in the Mwanza region alone at least 50 persons are killed every year by those who believe them to be witches. Government officials criticized these practices and some arrests were made; however, most perpetrators of witch killing or mob justice elude arrest, and the Government did not take preventive measures during the year.

On October 6, 21 persons were beaten to death and 50 injured in a clash over a theft between ethnic Sonje and Maasai groups (see Section 5).

There was continuing concern over violence allegedly perpetrated by some Burundian and Rwandan refugees, although such violence has diminished since 1999 (see Section 1.c.). Local officials complained that refugees committed killings and robberies. In a well-publicized case, Burundian refugees were accused of killing a local schoolteacher in May 1999, and in a reprisal attack, a group of men raped approximately 50 refugee women (see Section 1.c.).

On August 7, 1998, terrorists bombed the U.S. Embassy in Dar Es Salaam, killing 11 persons and injuring more than 85 others. The Government cooperated with international efforts to apprehend the suspects; one suspect was arrested in 1999, and the trial was scheduled for early 2001.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and inhuman or degrading treatment; however, the police regularly threaten, mistreat, or occasionally beat suspected criminals during and after their apprehension and interrogation. Police also use the same means to obtain information about suspects from family members not in custody (see Section 1.f.). There were reports that police in Zanzibar use torture. Police and security forces used beatings and other forms of physical abuse regularly by police and security forces to disperse large gatherings and as a form of public punishment. Although government officials usually criticize these practices, the Government seldom prosecutes police for such abuses.

Incidents of police brutality occurred during the year. Repeated reports indicate that the police used torture, including beatings and floggings, in Zanzibar, notably on the island of Pemba. Both the Zanzibar and Union Governments have denied these charges, and no action was taken against those responsible for abuses. There were numerous reports that police randomly beat pedestrians, bicyclists, and automobile drivers that they had stopped at intersections. For example, in April CUF supporters severely beat and injured two police officers who sought to break up an indoor opposition meeting (see Sections 1.d. and 2.b.). In response, the police in the following 2 weeks randomly attacked and beat pedestrians and passers-by on the streets of Stone Town. In April the Union Inspector General Omari Mahita, said publicly that the show of force was needed to restore respect for the police force in Zanzibar. Beginning on April 6 and continuing throughout the month, there were credible reports of police brutality in Zanzibar. On April 12, there were reports that police officers marched through Stone Town and indiscriminately beat passers-by, including children, with batons and rifle butts. Several persons received injuries that required medical treatment, including a 13-year-old girl with a fractured elbow.

Credible evidence indicates that police seriously injured children as young as 7 years of age and elderly residents, in some cases inflicting limb fractures and facial scars. There also was credible evidence that during this period, police officers shot and injured a bicyclist and threw him into a ditch. Several diplomatic missions formally criticized the Government for these abuses. The Government had not investigated the incident nor punished the responsible officers by year's end.

On January 19, police used tear gas to disperse riots that began when hundreds of CUF supporters were not allowed to observe the trial of 18 CUF supporters accused of treason (see Section 1.d.). The incident lasted for 4 hours, and approximately 70 persons were injured, including some police officers (see Sections 1.e. and 3). Several persons were arrested and detained during the incident.

In early October, eight members of the FFU reportedly beat a man after they took him into custody (see Section 1.d.).

On October 11, police shot and injured six CUF supporters at a CUF-sponsored election rally at a party office in Zanzibar (see Sections 2.b. and 3). Members of the TPDF who arrived after the shootings criticized the FFU for not following correct procedures; however, the police had not investigated the incident nor punished the responsible officers by year's end.

On October 28, police beat a man during a CUF meeting after he reportedly did not move his food stand quickly enough for the police (see Section 2.b.).

On October 29, Fortunatus Masha, an opposition candidate who was vice-chairman of his party was beaten and injured by police in Mwanza district during an altercation at a ballot counting center over possible ballot rigging in favor of the CCM party.

On October 30, police used excessive force and beat both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar (see Sections 2.b. and 3). FFU officers beat and shot demonstrators, who were chanting antigovernment slogans, resulting in a number of injuries and arrests. On October 30, police also used tear gas, rubber bullets, and live ammunition against CUF opposition activists in Zanzibar, injuring six persons. There also were reports that police beat with truncheons and rifle butts at least 15 persons whom they had forcibly removed from shops.

On October 29, police injured several persons whom they arrested at a CUF office in Pemba (see Section 1.d.).

After the elections, police reportedly beat persons for violating a 7 p.m. curfew imposed in Wete, Pemba (see Section 1.f.).

On November 1, a group of CCM members reportedly beat several CUF officials in Stone Town in Zanzibar as police watched without intervening.

In November police reportedly broke the jaw of a detainee (see Section 1.d.).

There were reports of beatings and assault by police officers and army units in areas around roadblocks in Pemba. Police reportedly targeted elderly, infirm, and mentally ill persons (see Section 2.d.).

During the repeat elections on November 5, police beat and reportedly tortured opposition officials in Zanzibar (see Section 3). There were reports that police beat and tortured opposition officials who they had taken at gunpoint to a beach. There were reports that police beat and whipped two CUF supporters, and forced them to lie in the street in urine.

Pervasive corruption is a serious problem in the police force (see Section 1.d.). The Government took some steps during the year to discourage and punish such abuses. In July the police force began an internal investigation of a police officer in Dar Es Salaam accused of harassing and attempting to bribe a local businessman. The spokesperson for the police force stated that if the police officer was found guilty, the police force would take "exemplary" measures; however, no action was taken on this case by year's end.

The People's Militia Laws, as amended by Parliament in 1989, bestow quasilegal status on the traditional Sungusungu neighborhood and village anticrime groups. Participation in these groups was compulsory prior to the 1995 election. In the past, these groups were criticized for using excessive force against criminal suspects. While largely moribund since 1995, the Sungusungu still exist, particularly in rural areas such as the Tabora, Shinyanga, and Mwanza regions. As a result of the President's 1997 initiative to have government law enforcement officials work cooperatively with Sungusungu, members of Sungusungu were given additional benefits on a par with those given to members of the police officials, including the right to arrest persons. In return members of Sungusungu were to be held accountable for any abuses; during the year, one member was prosecuted for abuses, and three others reportedly were sentenced to 30 years in prison for killing civilians in Tabora.

On November 6, a bomb exploded at a school in Stone Town in Zanzibar that was being used as a polling office for the November 5 re-run elections (see Section 3). No group had claimed responsibility by year's end.

On October 6, 21 persons were beaten to death and 50 injured in a clash over a theft between ethnic Sonje and Maasai groups (see Section 5).

As a result of increased criminal activity allegedly perpetrated by some Burundian refugees, there is significant hostility and resentment against Burundian refugees. In May 1999, in Kasulu, approximately 50 Burundian refugee women collecting firewood allegedly were attacked and raped by villagers in reprisal for the killing of a local teacher (see Sections 1.a. and 2.d.). Eleven men were arrested for the rape in 1999. On December 17, the case was dismissed on a technicality. The police appealed the magistrate's decision to the High Court in Tabora, which overturned the dismissal and remanded the case to the lower court for retrial. The retrial was pending in Kigoma at year's end.

There was continuing concern over violence allegedly perpetrated by some armed Burundian and Rwandan refugees, although such violence has diminished since 1999. Local officials reported incidents of banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Sections 1.a. and 5). Women and girls in refugee camps suffered a high level of rape and gender abuse perpetrated by other refugees (see Section 5). There were also credible reports that some refugees engage in vigilante justice within camps, occasionally beating other refugees (see Section 2.d.).

Prison conditions remained harsh and life threatening. Government officials acknowledged that prisons are overcrowded, and living conditions are poor. The prisons were designed to hold 21,000 persons, but the actual prison population is estimated at 43,000 persons; an estimated 40 percent of this number are remandees. The Government is expanding prisons, but its efforts have not kept pace with the growing number of prisoners. Some prisoners are paroled or receive suspended sentences as a means of relieving overcrowding problem. The Government did not release statistics on the prison expansion program or on the exact extent of the overcrowding during the year. The daily amount of food allotted to prisoners is insufficient to meet their nutritional needs, and even this amount is not provided regularly. Convicted prisoners are not allowed to receive food from outside sources and often are moved to different prisons without notification to their families. In April a prisoner on remand alleged that he was held for 4 days without being given food (see Section 1.d.).

In 1998 the Commissioner of Prisons stated that his department received inadequate funds for medicine and medical supplies. Prison dispensaries only offer limited treatment, and friends and family members of prisoners generally must provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, are common and result in numerous deaths. Amnesty International visited the prison and reported that 18 CUF prisoners who were in prison on treason charges were denied adequate medical treatment while in the Zanzibar Central Prison (see Section 1.d.). However, the International Committee of the Red Cross (ICRC) visited the 18 CUF prisoners and reported that they consistently were given better food, space, and medical treatment than other prisoners held in the same location. A prisoner in Moshi Prison died in July (see Section 1.a.). Prison officials claim the death was a result of tuberculosis and AIDS, but the autopsy that showed the body was badly beaten. There are credible reports that guards beat and abuse prisoners. There were reports that prisoners were strip-searched in front of other prisoners. The Warioba Commission released in 1997 reported that wardens give favorable treatment to certain prisoners at the expense of others. Pretrial detainees are held together with those serving sentences but are allowed to receive food from the outside.

The Prisons Act requires that prisoners be separated based on age and gender, and female prisoners are held separately from male prisoners in practice. Women sent to remand prison report being forced to sleep naked and being subjected to sexual abuse by wardens. Juveniles are protected under both the Prisons Act and the Young Persons Ordinance Act, which also requires separation according to age. However, there are limited resources to provide for juveniles and only two juvenile detention facilities in the country, and as a result juveniles are not always separated from adults in practice.

Local nongovernmental organizations (NGO's) are permitted to monitor prison conditions; however, the Government has not granted permission to international NGO's to monitor prison conditions. The ICRC was permitted to visit select groups of prisoners 4 times per year, including the 18 CUF members arrested in Zanzibar, and combatants imprisoned in the western part of the country. The Government requested ICRC assistance with a cholera outbreak in mainland prisons during the

year. It also invited the ICRC to monitor conditions in a small prison that holds special categories of refugees that are not included under UNHCR jurisdiction, such as combatants. The Government denied a request from the U.N. High Commissioner for Refugees (UNHCR) to visit refugees in prisons in Dar Es Salaam.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Criminal Procedure Code, amended in 1985, requires that a person arrested for a crime, other than a national security detainee under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often fail to comply. During the year, authorities on the mainland and in Zanzibar arrested or threatened with arrest opponents of the Government for acts that it regarded as seditious.

The 1985 amendments to the Criminal Procedure Code restricted the right to bail and imposed strict conditions on freedom of movement and association when bail is granted. Because of backlogs, an average case takes 2 to 3 years or longer to come to trial. Observers estimate that only approximately 5 percent of persons held in remand ultimately are convicted, and in many cases, those convicted already had served their full sentences before their trial was held. On March 10, inmates at Keko remand prison went on a hunger strike to press for prompt hearings of their cases. Court officials stated that the cases had been delayed because of a lack of funds.

In April authorities held a drug suspect in Moshi in remand for 4 days without questioning him, despite a law that requires detainees be questioned within 48 hours of their arrest. The detainee alleged that he was held without food during that time. There was no further information available on the case at year's end.

In some cases, accused persons are denied the right to contact a lawyer or talk with family members. Bribes often determine whether bail is granted or even whether a case is judged as a civil or criminal matter. There are reports of prisoners waiting several years for trial because they could not pay bribes to police and court officials. The authorities acknowledge that some cases have been pending for several years.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act, as amended in 1985, requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. A detainee also is allowed to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act has not been used for many years nor was it used during the year; however, despite a landmark ruling by the Court of Appeal in 1991 that the Preventive Detention Act could not be used to deny bail to persons not considered dangerous to society, the Government still has not introduced corrective legislation. In 1992 the Nyalali report on repressive laws, drafted by the president-appointed Nyalali Commission in 1992, recommended that the act be repealed; however, in 1998 the Government stated that there was no need to rewrite the Constitution or repeal any legislation, including the Preventive Detention Act. The Government has additional broad detention

There were numerous arrests in Pemba after the October elections. On October 29, authorities reportedly arrested 12 persons in a CUF office in Wete, Pemba, and injured several of them during the arrest. An appeal was filed in November, and the case was still pending at year's end. In November 10 persons reportedly were arrested on charges of setting off gasoline explosives at a hotel in Wete, Pemba. The 10 suspects reportedly remained in custody at year's end and were not granted bail. In November six persons reportedly were arrested on charges of attempted manslaughter of a Zanzibar Electoral commission officer in Wete, Pemba. Their bail reportedly was set at \$875 (700,000 shillings), which the detainees' defense counsel argued was so high that it amounted to "technically denying bail" to the accused. In early November, four persons reportedly were arrested for allegedly setting off a bomb in Wete, Pemba. They reportedly remained in custody at year's end, and their case was pending.

On the mainland, police reportedly arrested Pembans without charge and forcibly returned them to Pemba under police custody.

In September an opposition Member of Parliament (M.P.) was detained in Songea on allegations of causing a breach of peace at a police station where she had gone to determine why her supporters had been detained. She was held in remand and released without charges.

Several journalists were arrested and detained by police following the October 29 elections in Zanzibar (see Section 2.a.).

There were reports that police at times arrested innocent persons, accuse them of fictitious crimes, and withdraw or reduce the charges upon payment of bribes. During 1999, there were several complaints that police regularly hide their badge numbers while on duty so that complainants cannot report abuses; however, there were no such confirmed reports during the year. The Government began to take action during the year to punish police for abuse of their positions. For example, in November the district commissioner in Songea removed a police official from his duties for "ignoring ethics." In November there were also reports that two police officers were fired for corruption in Tabora.

In October 1999, the authorities arrested and detained opposition leader Augustine Mrema for making derogatory statements about President Mkapa's wife and the NGO that she operates. Mrema was also charged with sedition for statements he made about former President Julius Nyerere. Although most of the charges were dropped due to insufficient evidence, Mrema was scheduled to be tried in February 2001 for three charges of sedition, based on the claim that he presented fraudulent documents to Parliament. In November 1999, the authorities arrested opposition leader Reverend Christopher Mtikila and a boy for distributing audiocassettes, which contained derogatory statements about Nyerere. The boy was released on bail, but Mtikila remained in detention. In February a magistrate temporarily adjourned Mtikila's sedition trial. In October he was charged again with sedition, detained, and prevented from campaigning during the last weeks before the October elections. In November the charges were dropped, and he was released (see Sections 1.d., 2.a., and 3).

In January authorities dropped the charges against Dr. Walid Kaborou, the Kigboma regional chairman of the Chadema Party and Chadema Party candidate, who had been arrested in 1999 for inciting the public to violence as a result of Chadema's challenge to the results of a local by-election. After 35 days in detention, Kaborou was released with no charges filed against him (see Sections 2.a. and 3).

Since the 1995 election, police in Zanzibar, particularly on Pemba, regularly have detained, arrested, or harassed CUF members and suspected supporters. Despite orders from the Union Government's Inspector General of Police, officers in Zanzibar continued these activities. In 1997 and 1998, police arrested 18 CUF officials, including M.P.'s, and charged them in January with treason for attempting to overthrow the Zanzibar Government. Treason, which is a nonbailable offense, carries a mandatory death sentence. On January 19, the Zanzibar High Court began trial proceedings against the CUF officials. The first court session was marred by violence when police fired tear gas and used batons against supporters and family members of the defendants who were protesting their lack of access to the High Court gallery (see Section 1.c.). Fifteen persons were arrested. The defendants had been held without bail since November 1997. The trial proceeded slowly and was suspended in August, pending a defense request for the Court of Appeals to invalidate the treason charges. On November 9, the High Court dismissed the case on instructions from incoming President Karume and released the 18 defendants.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it suffers from executive interference, corruption, and inefficiency. Nevertheless, the higher courts increasingly have demonstrated independence from the Government. Senior police or government officials no longer pressure or reassign

judges who make unpopular rulings. However, independent observers continued to criticize the judiciary, especially at lower levels, as corrupt and inefficient, and questioned the system's ability to provide a defendant with an expeditious and fair trial. The Warioba Commission reported in 1997 that pervasive corruption affected the judiciary from clerks to magistrates. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. In April the Minister of Justice acknowledged in public statements that problems within the judiciary include unwarranted delays in the hearing of cases, falsified recording of evidence in court records, bribery, improper use or failure to use bail, and unethical behavior on the part of magistrates. The Court of Appeals delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard (see Section 1.b.). Judicial ethics committees were established by statute in 1997 but could not begin operating until committee members were trained; the first training course was conducted in late 1999. The ethics committees were tasked with drafting recommendations to improve the credibility and conduct of the judiciary; however, they had not yet drafted a report by year's end. The committees have no mechanism to redress grievances or enforce decisions, and are weak and ineffective. The Government made some progress in addressing judicial corruption. During the year, several magistrates were arrested after the Chief Justice was presented with credible evidence of their corruption.

The legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters. The court system consists of primary courts, district courts, the High Court, and the Court of Appeal. Advocates defend clients in all courts, except in the primary courts. There is no trial by jury. In addition to judges, there are district (or resident) magistrates. The law also provides for commercial courts, land tribunals, housing tribunals, and military tribunals. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court and Court of Appeal. In refugee camps, Burundian mediation councils called *abashingatahe*, comprised of male refugee elders, often handle domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

Zanzibar's court system generally parallels that of the mainland but retains Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Islamic courts only adjudicate cases involving Muslims. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases may be appealed to the national Court of Appeal.

Criminal trials are open to the public and to the press; courts must give reasons on the record for holding secret proceedings. Criminal defendants have the right of appeal.

Bail is set on a discretionary basis by judges based on the merits of each case (see Section 1.d.). However, there is no bail in murder or armed robbery cases.

The code provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There are only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes do not have legal counsel.

A separate facility for young offenders was established in 1997; however, the court is underutilized and many juvenile offenders still are tried in adult courts. In 1998 a magistrate ordered prosecutors to stop prosecuting juveniles in adult courts; however, because of the huge backlog in the country's only juvenile court, some cases continue to be sent through the traditional court system where they are processed faster because of a less significant backlog than in the regular civil court system.

There were no reports of political prisoners on the mainland; however, 18 CUF members accused of treason were held as political prisoners in Zanzibar until they were released in November (see Section 1.e.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution generally provides for these rights; however the Government continued to interfere with these rights. During the years in which Tanzania was a one-party state, the CCM penetrated all levels of society through local cells, varying in size from single family homes to large apartment buildings and containing from 10 to 200 persons. Unpaid party officials served as 10-cell leaders with authority to resolve problems at the grassroots level and to report to authorities any suspicious behavior, event, or noncompliance with compulsory night patrol service in the neighborhood. The role of the cells has diminished considerably, particularly in areas where opposition parties are strong; however, the CCM remained influential. While in the past CCM membership was necessary for advancement in political and other

areas, CCM membership is voluntary. Although in past years some government employees, particularly in Zanzibar, who supported opposition candidates lost their jobs, and some students were expelled from school because of their families' political affiliation.

The Criminal Procedures Act of 1985 authorizes police officials, including the civilian anticrime groups, to issue search warrants; however, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice police and members of other security services rarely requested warrants and often searched private homes and business establishments at will. The security services reportedly monitor telephones and correspondence of some citizens and foreign residents.

Although in previous years, police threatened, mistreated, occasionally beat, and arrested relatives of criminal suspects and detained them without charge in an effort to force suspects to surrender, there were no reports of this occurring during the year.

In April police broke into homes and businesses in Zanzibar, beating and arresting those inside and destroying property (see Sections 1.c. and 1.d.). There were also credible eyewitness reports of police breaking into shops and looting in Stone Town, in the presence of union police officials from the mainland.

There were reports that police and army units made nightly rounds in Pemba following the elections, conducting house-to-house searches (see Sections 1.c. and 2.d.).

In 1999 the Government repealed the Human Resources Deployment Act of 1983, which allowed forced labor and forced relocation of citizens to ensure productive employment. The new law, the Employment Services Promotion Act of 1999, does not permit either forced labor or forced relocation (see Sections 2.d. and 6.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. Various laws, such as the Newspaper Act and the Broadcasting Act, limit the media's ability to function effectively. Government ministers and the Registrar of Newspapers pressure journalists to practice self-censorship. The Government denied political opponents unrestricted access to the media. In August the Government banned the book, "The Mwembechai Killings and the Political Future of Tanzania" for being "incendiary." Unlike the previous year, the Government did not ban any newspapers.

On October 28, members of the FFU beat up, detained, and confiscated the film of a photojournalist; he was released after several hours of questioning.

Except in Zanzibar, citizens generally enjoyed the right to discuss political alternatives freely, although there were instances in which the freedom of speech was restricted severely. Political parties are required by law to support the continuation of the Union. Opposition political party members and others openly criticize the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.). For example, Reverend Christopher Mtiila was held on sedition charges for making comments abusive to the Government (see Section 1.d.).

In June charges were dropped due to insufficient evidence against opposition leader Augustin Mrema, who was detained for 18 days in April and in 1999 for making derogatory statements about President Mkapa's wife and using seditious words against the late President, Julius Nyerere (see Section 1.d.).

In February a magistrate temporarily adjourned the sedition trial of Reverend Christopher Mtikila, a leader of the Democratic Party, who was arrested in late 1999 for distributing audiocassettes that contained derogatory statements about former President Nyerere. In October Mtikila was detained and charged with sedition for alleging during a campaign speech in Singida that former President Julius Nyerere had died of HIV/AIDS, and prohibited from campaigning during the last weeks before the October national elections (see Sections 1.d. and 3).

In January Dr. Walid Kaborou, an opposition M.P. who was arrested for sedition in late 1999, was released after 35 days in detention. No charges were filed against him (see Sections 1.d. and 3).

In Zanzibar the Government controls radio and television, and also implements a restrictive policy with regard to print media. In 1998 a Zanzibar government minister threatened three newspapers because of their allegedly negative reporting. Soon thereafter, amendments to the Zanzibar News Act further circumscribed journalists' freedom of action, by giving authorities greater protection for the harassment, detention, and interrogation of journalists. Private mainland newspapers are widely available in Zanzibar, and many residents can receive mainland television.

On January 19, police confiscated a journalist's notebook and camera at a demonstration outside the courtroom where 18 CUF members were being tried in Zanzibar (see Section 1.d.).

In June at a political rally in Zanzibar, a regional CCM official, in the presence of President Mkapa, threatened an international radio journalist with physical harm for allegedly broadcasting politically biased reports about Zanzibar.

Several journalists were arrested and detained by police following the October 29 elections in Zanzibar (see Section 2.a.). For example, on November 1, authorities in Zanzibar arrested and detained a British Broadcasting Corporation correspondent for allegedly kidnaping and assaulting two women after he interviewed the women and broadcast their comments about witnessing voter fraud during the elections; he was released later without being charged.

The press on the mainland is, on the whole, lively and outspoken. Even the government-owned newspaper regularly reports events that portray the Government in an unflattering light. There are 9 daily newspapers and 15 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which are owned or influenced by political parties, both the CCM and the opposition. There is no official censorship, but throughout the year the Government continued to pressure newspapers to suppress or change articles unfavorable to it in some instances. In October 1999, the Government revoked the registration of 291 publications that had not published during the previous 3 years.

Private radio and television stations broadcast in Dar Es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly does not censor news reports, but attempts to influence their content. Some journalists, such as those in Zanzibar, exercise self-censorship on sensitive problems. Journalists who report arrests can be charged with obstructing police activity under the 1964 Police Act. The Parliamentary Power, Privileges, and Immunities Act gives the Government authority to prevent television cameramen from filming the swearing-in of an opposition Member of Parliament, and the Government occasionally did so during previous years; however, there were no documented cases reported of this occurring during the year.

The Union Government sought to maintain some control over the private media with the establishment in 1997 of a code of conduct for journalists and a media council. With the leadership of the local chapter of the Media Council for Southern Africa and the Association of Journalists and Media Workers, journalists forced the Government to agree in 1995 to a voluntary code of ethics and establishment of a Media Council intended to preserve and expand media freedom. The Council was inaugurated formally in August 1997, although it began operating in 1995. Although it initially proved ineffectual except as a sounding board for complaints against the media, the Council operated with some effectiveness during the year. The Council received approximately 20 cases for adjudication during the year. The Council serves as an adjudicating body when journalists infringe upon the code of ethics and has the power to impose fines. The Council consists of university professors and media lawyers, in addition to Judge Joseph Sinde Warioba. The president of the Council, Professor Geoffrey Mmari, has complained publicly that the laws governing the media are outdated.

Academic freedom generally is respected in practice. Academics, increasingly outspoken in their criticism of the Government, continued their calls for reform during the year and were particularly critical of the union Government's actions in response to the political situation in Zanzibar.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government limits this right in practice. Political parties that seek to hold rallies must give the police 48 hours' advance notice. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit. For example, on June 27 authorities arrested CUF leaders for holding a rally without a permit in Dar es Salaam.

Opposition parties, other than in Zanzibar, generally are able to hold rallies; however, CUF meetings have been banned periodically since 1995. In Zanzibar and Dar es Salaam, CUF rallies were more restricted than those of other political parties. CUF rallies were banned at least once in Dar es Salaam and several times in Zanzibar before the October elections. Several rallies were prevented through indirect means as cutting off electricity for loudspeakers, citing ad hoc time limits, and scheduling the same rally times for more than one group. Security officials interfered with citizens' rights to assemble peacefully on numerous occasions (see Section 1.d. and 3).

Police continue to break up meetings attended by persons thought to be opposed to the Zanzibar Government. In Pemba security forces broke up gatherings and intimidated opposition party officials. On January 19, police used tear gas indiscriminately to disperse a crowd outside a courthouse in Zanzibar during a riot, injuring 70 persons (see Section 1.c.). On April 1, police officers attempted to break up a CUF meeting at a party branch office in Zanzibar, despite the fact that the indoor meeting did not require a permit. In August police used tear gas and bullets to disperse demonstrators in Zanzibar (see Section 1.c.). On October 11, police forcibly dispersed a CUF-sponsored election rally at a party office in Zanzibar; police used tear gas and shot and injured six CUF supporters (see Section 1.c.). The police opened fire on the demonstrators after they threw stones at a police car. The activists were demonstrating in protest of the decision by Zanzibar election officials to annul the vote in 16 constituencies because of voting irregularities (see Section 3). Police were criticized for not following the correct procedures and for using excessive force to respond to the incident by firing shots at demonstrators. On October 28, police and army units circled a CUF meeting in Zanzibar, and shot bullets into the air during the presidential candidate's speech.

Police used excessive force during rallies and demonstrations protesting the October 29 elections in Zanzibar (see Section 1.c.). On October 30, police beat both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar (see Sections 2.b. and 3). FFU officers beat and shot demonstrators, who were chanting antigovernment slogans, resulting in a number of injuries and arrests (see Section 1.c.).

The Government continued to arrest opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious (see Sections 1.d. and 3).

The Constitution provides for freedom of association; however, the Government limits this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered or provisionally registered parties. The Constitution and other legal acts stipulate that citizens cannot establish new political parties; candidates must be members of 1 of the 13 registered political parties. The Electoral Law prohibits independent candidates; requires all standing M.P.'s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, in order to secure full registration and to be eligible to field candidates for election. Unregistered parties are prohibited from holding meetings, recruiting members, or fielding candidates. In October 1999, the Registrar of Political Parties stated that the registration provisions were too restrictive; however, no action was taken during the year to reform the provisions. One new party, Chama Cha Demokrasia Makini, was granted provisional registration in June.

The most prominent unregistered party is the Reverend Christopher Mtikila's Democratic Party, which advocates the dissolution of the union and the expulsion of minorities from the mainland. Despite his party's lack of government recognition, Mtikila was able to publicize his views through his legally registered church and through ongoing lawsuits against the Government. In spite of his criticism of the Government, Mtikila campaigned actively for the October general elections after a magistrate temporarily adjourned Mtikila's sedition trial to allow him to campaign (see Sections 1.d. and 2.a.).

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. The Government suspended registration of new NGO's in 1997, pending the enactment of new NGO legislation, which was scheduled for late 1997; however, such legislation was not introduced and details of the proposed legislation (which is viewed as restrictive) still were being discussed within the Government, with some input from NGO's, at year's end. In the interim, new applications for registrations were considered under the Societies Ordinance and the Trustees Ordinance. There were 8,250 registered NGO's as of June. During the year, the Government continued a general suspension of registration of religious NGO's on the grounds that many were being formed for the purpose of evading taxes (see Section 2.c.). During the year, the Government denied registration to eight NGO's for abusing their exemptions by selling for profit goods that they brought into the country duty-free. The Government continued to harass the National Women's Council for allegedly engaging in political activity contrary to its charter. The Government struck the organization from the register in 1997, but the High Court overturned this action in 1999. The Government appealed the case to the Court of Appeal, but

the Court has delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard (see Section 1.e.). The National Women's Council continued to operate at year's end.

A number of professional, business, legal, and medical associations only have begun to address political topics. In 1999 the Government denied registration to the NGO Defenders of Human Rights in Tanzania (see Section 4), after withholding it for more than 3 years. In 1999 the Government also denied a youth group registration on the grounds that there already was a youth organization affiliated with the CCM. Zanzibar has a separate NGO registration policy from the mainland, which is less restrictive; however, there was minimal NGO activity in Zanzibar during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety. The Government does not penalize or discriminate against any individual on the basis of religious beliefs or practices, and it does not designate religion on any passports or records of vital statistics. However, individual government officials are alleged to favor persons who share the same religion in the conduct of business.

The Government requires that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. In order to register, religious organizations must have at least 10 followers and must provide a constitution, the resumes of their leaders, and a letter of recommendation from their District Commissioner. Christian groups also must provide letters of recommendation from the leaders of three registered Christian churches or from a Christian Council of a similar denomination. Muslim groups also must have letters from the leaders of three registered mosques. These additional requirements apply to other religious organizations in the same manner. There were no reports that the Government refused to register any religious groups that met registration criteria; however, during the year, the Government continued a general suspension of registration of religious NGO's on the grounds that many were being formed for the purpose of evading taxes (see Section 2.b.).

The law prohibits preaching if it incites persons against other religions. Following riots in Mwembechi in 1998, triggered by the arrest of a popular Muslim leader, the Government charged that some religious leaders were inciting their adherents to violence. In August government officials warned religious leaders to avoid using religion to incite their adherents to violence during and after the October election campaign.

The Government failed to respond to growing tensions between the Muslim and Christian communities (see Section 5). The Government appeared to recognize that a problem exists, but it chose not to take action. The Government cancelled several meetings with Muslim and Christian leaders aimed at improving relations between the two communities. Even senior Muslim officials in the Government appear unwilling to address the problem, aside from general criticism of those who would foment religious conflict.

National and regional parole boards, constituted in 1998, were dissolved when it was found that they did not include Muslim members, and the Government named new boards in January 1999. It was disclosed in February 1999 that the Government was investigating reports that the National Muslim Council of the country was receiving millions of dollars from unknown sources in the Middle East and was considered a possible "security risk." The Government had not released publicly the results of the investigation by year's end.

Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters. Zanzibar's court system generally parallels the mainland's legal system but retains Islamic courts to adjudicate cases of Muslim family law, such as divorce, child custody, and inheritance (see Section 1.e.).

The Government has banned religious organizations from involvement in politics. In July Parliament passed a law which imposes fines and jail time on political parties who campaign in houses of worship or educational facilities. In September the Muslim Council of Tanzania, a private organization, indefinitely closed a school in Singida for holding a CUF political meeting on its grounds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In the previous year, the Government imposed some limits on these rights; however, in 1999 the Government repealed the Human Resources Act of 1983, which allowed the arbitrary transfer of citizens from one district to another in order to ensure that all citizens were engaged in productive employment (see Section 6.e.). The National Employment Service Act provides for training of youths to

be selfemployed and eliminates the ability of officials to move residents from one location to another.

Passports for foreign travel may be difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens can return without difficulty.

Mainlanders are required to show identification to travel to Zanzibar, although the requirement is largely ignored in practice; however, Zanzibaris need no special identification to travel to the mainland. Mainlanders are not allowed to own land in the islands, except in partnership with foreign investors. There is no prohibition against mainlanders working in the islands; however, in practice few mainlanders are hired.

After the October elections, a curfew was imposed on Wete of Pemba. Any persons observed by the police after 7 p.m. were ordered to return home. There were also reports of beatings by the police (see Section 1.c.).

Police set up six roadblocks in Pemba after the elections; there were reports that police beat and assaulted persons in the area (see Section 1.c.).

There were reports of police harassment of Pembans on the mainland. Police reportedly arrested persons without charge and returned them to Pemba under police custody. At least 20 persons reportedly were returned by year's end.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and these provisions were respected in practice with a few exceptions. The Government granted *prima facie* refugee status to an estimated 500,000 refugees during the year. The Government cooperates with the U.N. High Commissioner for Refugees. The Government traditionally has maintained a generous open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. In 1999 the Government agreed to accept asylum applications from Rwandans who had been barred from seeking asylum in 1997 and 1998. During the year, a relatively small number of Rwandans who feared for their safety were granted asylum by the Government and appeals by others who petitioned for asylum were pending at year's end. The Government continues to offer first asylum to nearly 500,000 refugees from Burundi and the Democratic Republic of the Congo. There were 368,448 Burundian, 110,412 Congolese, and 27,372 Rwandan refugees living in refugee camps in the country by year's end. In addition, there are at least 200,000 other Burundian refugees in the country who have lived in settlements since the early 1970's.

The Government arrested, detained, and forcibly expelled 80 Rwandan and 580 Burundians during the year. Many of these refugees reportedly were denied the opportunity to collect their belongings or contact their families prior to being expelled. The refugees who were forcibly returned were living outside UNHCR camps and included Rwandans living in the country since the 1960's. The returns were ordered by the regional commissioner, reportedly without the involvement of higher government officials; however, the Ministry of Home Affairs took no action to reprimand the regional commissioner for the expulsions. In late June, the regional commissioner gave the refugees the choice of returning to their countries of origin or moving into UNHCR camps. The regional commissioner reportedly also gave the refugees the option of paying the required fees to become residents in the country, which were too expensive for the refugees to pay. In December a group of 1,500 of the refugees left the country for Rwanda. In February the Government forcibly returned two Rwandans and three Burundians to Rwanda. The number of Burundian refugees who were returned forcibly reportedly decreased after June and July, when the Government began to send refugees outside of refugee camps to the UNHCR rather than forcibly returning them to their countries of origin.

Refugee camps in the west were plagued by food shortages, overcrowding, and malaria outbreaks during the year. Refugee camps were large and overcrowded, and the authorities restricted employment opportunities. Women and girls in refugee camps suffered a high level of rape and gender abuse perpetrated by other refugees. There were reports that women and girls were raped when they left the camps for daily tasks, such as collecting firewood. The Government does not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There is no mechanism within refugee camps to punish abusers, and most cases are not referred to local authorities. Police lack special training in the area of domestic abuse, and local and traditional courts, which both handle domestic violence cases, lack necessary resources. Among Burundian refugees, mediation councils called *abashingatahe*, comprised of male refugee elders, often handle domestic abuse cases (see Section 1.e). There were reports that some refugees engage in vigilante justice within camps, occasionally beating other refugees. There are nine camps and one long-term transit center for Rwandan refugees in the country.

There is some resentment and hostility against Burundian refugees because of the availability of particular goods and services for refugees that are not available for the local population; however, during recent years, the UNHCR, NGO's, and international organizations have made many of these services available for the local population, thereby alleviating many tensions (see Section 1.c.).

There was continuing concern over violence allegedly perpetrated by some armed Burundian and Rwandan refugees, although such violence has diminished since 1999. Local officials reported incidents of killings, banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Sections 1.a. and 1.c.). There were unconfirmed reports that the Burundian Government hired mercenaries to invade refugee camps, although the Burundian Government strongly denies these reports.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

A multiparty political system was introduced officially in 1992, and in 1995 for the first time in more than 30 years, citizens exercised their right to change their government through national elections for president and parliament. On October 29, the second multiparty national elections were held on the mainland and Zanzibar. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar, the vote was marred by irregularities, voter intimidation and politically motivated violence. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote. The ruling CCM party made significant gains in its majority in Parliament, winning 167 out of 181 seats. Opposition candidates gained 11 seats in 6 of the 19 mainland regions giving them a total of 14 seats on the mainland, and the CUF won 15 seats in Zanzibar. The CUF continued to refuse to recognize the election results in Zanzibar and to demand new elections, and CUF elected representatives are boycotting the union and Zanzibar parliaments.

In late 1996, following its loss in a by-election, the Government issued new directives limiting political activity and fund raising on the grounds of maintaining order.

The Government continued to harass its opponents and arrested opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious (see Sections 1.d. and 2.b.). The authorities forcibly dispersed a number of political rallies during the period prior to and after the October elections (see Section 2.b.). In October police officials pulled opposition leader Augustine Mrema off of a platform in Kigoma during a campaign rally before he had finished speaking; he had a permit to speak for an additional 30 minutes. In May 1999, Mrema had been prohibited from running for reelection by a High Court injunction that stated that he was ineligible to run because he had changed political parties, and had not yet been designated formally as chairman of his new party. The injunction against Mrema was dropped after the Court of Appeals ruled that the lower court had no grounds to prohibit his nomination as the Labor Party chairman in order to be eligible for presidential nominations. In October, police forced opposition leader John Cheyo to leave a campaign platform in Morogoro for speaking after the legal deadline for campaign rallies of 6 p.m. When Mr. Cheyo resisted, police threatened him with a police baton and physically removed him from the platform. On October 29, Fortunatus Masha, an opposition candidate who was vice-chairman of his party was beaten and injured by police in Mwanza district during an altercation at a ballot counting center over possible ballot rigging in favor of the CCM party.

In January the authorities dropped the charges against Dr. Walid Kabouru, the Kigoma M.P. and the national chairman of the Chadema Party; he had been arrested in 1999 for inciting the public to violence as a result of Chadema's challenge to the results of a local by-election. After 35 days in detention, Kabouru was released with no charges filed against him (see Sections 1.d.).

On April 1, police broke into a CUF branch office in Zanzibar during an indoor meeting and destroyed property (see Section 1.c.).

In August local authorities forced persons attempting to register to vote in Mwanza to provide documentary proof that they had paid local government taxes before they allowed them to register, even though there is no legal requirement for voters to prove payment of taxes to register.

The Constitution of Zanzibar provides citizens with the right to change their government peacefully; however, this right was circumscribed severely. In June 1999, a Commonwealth-brokered agreement between the ruling CCM party and the opposition CUF party was signed, but its provisions were not implemented fully during the year. While both parties failed to fulfill parts of the accord, impartial observers agree that the Government of Salmin Amour in Zanzibar did not appear to act in

good faith. The Zanzibar Government refused to reform its electoral commission, a provision that was central to the agreement, and the Commonwealth Agreement was not implemented during the year. In Zanzibar there were credible reports of irregularities during the voter registration process conducted in August in preparation for the October elections. The ruling CCM party was accused by several opposition parties of illegally registering mainland citizens as voters in Zanzibar. Some transportation operators were asked by union officials to transport citizens from the mainland to Zanzibar without charge. One operator reported that his family received threatening telephone calls at home for refusing to comply with the request. Shehas (village headmen) were responsible for validating residency requirements for voting in the elections. The majority of shehas were CCM members, and international monitors reported that in some cases they abused their discretion during the registration process. There also were credible reports that CUF supporters attempted to intimidate legally registered voters believed to be CCM supporters in Zanzibar. The homes of several long-term residents of mainland origin reportedly were stoned, and in August, three residences were burned down, although no one claimed responsibility for these actions. Subsequently, some occupants decided to leave Zanzibar or to send family members to the mainland until after the election.

Voting irregularities during the October 29 elections included the late arrival and absence of ballots, and the late opening of polling stations. The Zanzibar Electoral Commission (ZEC) stopped balloting and counting throughout Zanzibar at 5:30 in the evening, even in locations that did not have ballot shortages. Police and some officials from the Zanzibar Electoral Commission were implicated in the voting irregularities. Police officers, accompanied by ZEC officials, seized ballot boxes in many constituencies, including the entire island of Pemba, and most of the ballot boxes were not under independent or opposition supervision after they were seized. Four groups of international election observers criticized the Zanzibar vote and called for a re-run election in all of the Zanzibar constituencies; however, the Government only announced new elections in 16 of the 50 constituencies to be held on November 5.

Voter turnout for the new elections was low. The opposition boycotted the re-run election, claiming that the elections already had been compromised. After the re-run, the ruling party announced that it had won all of the constituencies in Zanzibar and four constituencies on Pemba (where they previously did not hold any seats). The final results of the re-run election gave the ruling CCM party 34 seats in the 50-seat House of Representatives and 35 seats in the 50-seat National Assembly. CCM candidate Amani Karume was declared the new Zanzibari President on November 7.

Since the 1995 elections, government security forces and CCM gangs have harassed and intimidated CUF members on both main Zanzibar islands, Pemba and Ugunja, and such incidents sharply increased in the 3 months before the October elections. Security forces forcibly dispersed gatherings and intimidated, harassed, arrested and beat persons (see Sections 1.c., 1.d. and 2.b.). During the November 5 re-run elections, police beat and reportedly tortured opposition officials (see Section 1.c.). Almost all international donors had suspended direct assistance to Zanzibar in response to the authorities' human rights abuses in 1995, and the suspension remained in effect by year's end.

In November a bomb exploded at a primary school in Stone Town in Zanzibar at the location of a polling office for the November 5 revote (see Section 1.c.). In December four persons reportedly were arrested for the bombing; the four remained in custody at year's end (see Section 1.d.).

Women are underrepresented in government and politics. There are no legal restrictions on the participation of women in politics and government. There are 61 seats in Parliament that are occupied by women; 12 female M.P.'s are elected members of the CCM; 47 female M.P.'s occupy "Special Women" seats which are appointed by political parties based on the elected percentages of the constituent seats, and one M.P. was nominated by President Mkapa. There is one seat in the House of Representatives occupied by a woman. On February 10, Parliament passed the 13th Amendment to the Union Constitution, which requires 20 percent of seats in Parliament to be occupied by women. President Mkapa ratified the amendment in February. Three of the Cabinet's 27 ministers are female.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has obstructed the formation of local human rights groups. Persons seeking to register human rights NGO's, such as the Tanzania Human Rights Education Society, complained that the Ministry of Home Affairs continued to delay action on their applications (see Section 2.b.). This hampered their access and efforts

to monitor violations of human rights. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented (see Section 2.b.). The Government had withheld registration from the NGO Defenders of Human Rights in Tanzania for more than 3 years before finally denying it registration in 1999. During the year, the Government appealed a High Court decision ordering the reinstatement of the National Women's Council, an NGO that the Government had deregistered in 1997 but the Court had not heard the case by year's end. The National Women's Council continued to operate at year's end (see Section 2.b.). At year's end, the ICRC was awaiting a response from the Government to its application for accreditation as a legal entity.

Government officials have stated that international human rights groups are welcome to visit the country; several human rights organizations operated freely in the country and report little government interference. Amnesty International visited during the year, and had discussions both within the Government and among NGO's, concerning the formation of a human rights commission; however, sharp differences on the independence of the commission were not resolved by year's end. In February AI lobbied parliamentarians to create an independent human rights commission; however, the Government refused on the grounds that the President's Permanent Commission of Inquiry, which focuses on civil servant claims against the Government, could serve in both capacities. On November 20, President Mkapa announced to the National Assembly that the Government would establish a Human Rights and Good Governance Committee; however, the Committee would not be independent from the Government.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability is not prohibited specifically by law but is discouraged publicly in official statements. The Government issued several statements beginning in August encouraging religious and ethnic tolerance during the election campaign. Discrimination against women and religious and ethnic minorities persisted. Religious and ethnic tensions in society exist.

Women.—Violence against women remained widespread. Legal remedies exist in the form of assault provisions under the Criminal Code; however, in practice these provisions are difficult to enforce. The Marriage Act of 1971 makes a declaration against spousal battery, but does not prohibit it or provide for any punishment. Traditional customs that subordinate women remain strong in both urban and rural areas and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurs at all levels of society. Cultural, family, and social pressures prevent many women from reporting abuses to the authorities. Nonetheless, in 1998 the Ministry of Home Affairs noted that an average of 10,000 cases of wife beating are reported annually. A local NGO, Tamwa, reports that as many as 6 out of 10 women are beaten by their husbands. In 1998 the Ruvuma regional crime officer noted that a large number of women are killed by their husbands or commit suicide as a result of domestic battery. Government officials frequently make public statements criticizing such abuses, but action rarely is taken against perpetrators. Police often have biases against pursuing domestic abuse cases and have demanded bribes to investigate allegations. The Sexual Offenses Special Provisions Bill provides for life imprisonment for persons convicted of rape and child molestation. Several persons were prosecuted and convicted for rape and battery under this law during the year. Women in refugee camps suffered a high level of rape and gender abuse perpetrated by other refugees (see Section 2.d.).

Several NGO's provide counseling and education programs on women's rights problems, particularly sexual harassment and molestation.

There is no legal protection for adult women who undergo FGM. The Sexual Offenses Act, which prohibits cruelty against children, only protects persons under 18 years of age.

During the year, Parliament amended the Constitution to prohibit sexual harassment against women in the workplace by a person in authority. During the year, several persons were arrested under the new law. Male colleagues sometimes harass women seeking higher education, and the authorities largely have ignored the practice. Although the Government advocates equal rights for women in the workplace, it does not ensure these rights in practice. In the public sector, which employs 80 percent of the salaried labor force, certain statutes restrict women's access to some jobs or hours of employment. For example, in general, women may not be employed between 10 p.m. and 6 a.m., although this restriction is usually ignored in practice.

(see Section 6.e.). While progress on women's rights has been more noticeable in urban areas, strong traditional norms still divide labor along gender lines and place women in a subordinate position. Discrimination against women is most acute in rural areas, where women are relegated to farming and raising children, and have almost no opportunity for wage employment. Custom and tradition often hinder women from owning property such as land, and may override laws that provide for equal treatment.

The overall situation for women is less favorable in Zanzibar, which has a majority Muslim population. Although women generally are not discouraged from seeking employment outside the home, women there, and on many parts of the mainland, face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the Marriage Act provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depends on the lifestyle and stated intentions of the male head of household. Thus far, the courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant are subject to 2 years' imprisonment.

Children.—Government funding of programs for children's welfare remained miniscule. The Government has made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well being of orphans and neglected children. Child labor is a problem, and there were reports that forced labor of children occurred (see Sections 6.c and 6.d.). There were unconfirmed reports in previous years that children were trafficked to work in mines and other businesses (see Sections 6.c. and 6.f.). A 1998 study funded by the International Labor Organization (ILO) reported a growth in child prostitution, including forced prostitution (see Section 6.c.). The Sexual Offences Special Provisions Act of 1998 criminalizes child prostitution and child pornography. The age criterion for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law is not effective in practice because it is customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage.

The law provides for 7 years of compulsory education through the age of 15; however, education is no longer free on both the mainland and on Zanzibar. Fees are charged for books, enrollment, and uniforms, with the result that some children have been denied an education. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate is between 30 and 40 percent. The literacy rate is approximately 70 percent; however, for girls it is only 57 percent compared with 80 percent for boys. The rate of girls' enrollment in school is lower than that of boys, and generally declines with each additional year of schooling. In some districts, there was a decline in attendance as the result of early marriage, often at the behest of parents. In the past, girls who became pregnant were expelled from school. Despite a 1996 law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school remains in effect. Nevertheless, there have been across the board increases in the rate of girls' participation since 1990.

Although the Government officially discourages female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, it still is performed at an early age in approximately 20 of the country's 130 main ethnic groups. According to a 1996 health survey conducted by the Bureau of Statistics, FGM affects 18 percent of the female population. In some ethnic groups, FGM is compulsory, and in others, a woman who has not undergone the ritual may not be able to marry. Government data show this to be a problem that varies by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM is almost nonexistent in the rest of the country. There is no law that specifically prohibits FGM. The country's educational curriculum does not include instruction on FGM but the issue is covered occasionally in secondary schools. Government officials have called for changes in practices that adversely affect women, and the 1998 Sexual Offences Special Provisions Bill, which prohibits cruelty against children, has been used as the basis for campaigns against FGM performed on girls; however, police do not have adequate resources to protect victims. Some local government officials have begun to combat the practice and have convicted and imprisoned some persons who performed FGM on young girls, although there were no reported prosecutions during the year. Seminars sponsored by various governmental organizations and NGO's are held regularly in an attempt to educate the public on

the dangers of FGM and other traditional practices. These practices include the tradition of inherited wives, which critics contend contributes to the spread of HIV/AIDS, and child marriages, which are sanctioned with parental consent under the Marriage Act of 1971 for girls 12 years of age or older. While some authorities believe that FGM is declining, a 1996 government report has suggested that it is on the rise, especially in the central region. In 1998 the Dodoma Traditional Practices and Beliefs Committee, supported by a World Health Organization grant, began a program to eliminate FGM in the Dodoma region. The Ministry of Health began an educational campaign on FGM as part of its Safe Motherhood Initiative. The enforcement of policies to stop FGM remains difficult because some regional government officials are in favor of the practice or fear speaking out against it because of the power of traditional leaders.

People with Disabilities.—The Government does not mandate access to public buildings, transportation, or government services for the disabled. Although there is no official discrimination against the disabled, in practice the physically disabled effectively are restricted in their access to education, employment, and provision of other state services due to physical barriers. The Government provides only limited funding for special facilities and programs.

Religious Minorities.—While Muslim-Christian relations are generally stable, some urban Muslim groups are sensitive to perceived discrimination in government hiring and law enforcement practices. The mainland is 60 percent Christian and 40 percent Muslim, whereas Zanzibar is 97 percent Muslim. The Muslim community claims to be disadvantaged in terms of its representation in the civil service, government, and parastatals, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there is broad Muslim resentment of certain advantages that Christians are perceived to enjoy in employment and educational opportunities. Muslim leaders have complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christians. In turn Christians criticize what they perceive as lingering effects of undue favoritism accorded to Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Despite these perceptions, there does not appear to be a serious widespread problem of religious discrimination in access to employment or educational opportunities.

A few leaders in the Christian and Muslim communities appear to be fomenting religious tension between their groups. Christian leaders reportedly have used the 1998 bombing of the U.S. Embassies in Dar Es Salaam and Nairobi, Kenya, as a justification to criticize Muslims.

There are signs of increasing tension between secular and fundamentalist Muslims, as the latter feel that the former have sold out to the Government. The fundamentalist Muslims accuse the Government of being a Christian institution, and Muslims in power as being only interested in safeguarding their positions. In these circles, secular Muslims who drink alcohol or marry Christian women are criticized severely. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system. Fundamentalist groups also have exhorted their followers to vote only for Muslim candidates.

National/Racial/Ethnic Minorities.—In the past, the Government discriminated against the Barabaig and other nomadic persons in the north. These ethnic groups continued to seek compensation for past government discrimination because of government efforts to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. In 1994, 6 Barabaig plaintiffs filed a class action suit, which included 750 members of the Barabaig tribe, challenging their eviction by the National Food Corporation, a government parastatal organization. In 1994 the High Court ruled that three of the plaintiffs had the right to return to their land and awarded them damages of 20,000 shillings, 60,000 shillings, and 200,000 shillings respectively. However, the court found that the 3 other plaintiffs did not prove their cases and refused to award them compensation; the court also denied the cases of the 750 members of the tribe for not following correct procedures in filing their claim. The three plaintiffs who received compensation appealed the case, arguing that the compensation was not adequate. The other 3 plaintiffs and the 750 tribe members also appealed the denial of their case; the appeals were scheduled to be heard in February 2001.

The Asian community, which is viewed unfavorably by many African citizens, has declined by 50 percent in the past decade to about 50,000 persons. There are no laws or official policies that discriminate against Asians; however, as the Government places greater emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role has increased. This has led to demands by small, populist opposition parties for policies of "indigenization" to en-

sure that privatization does not increase the Asian community's economic predominance at the expense of the country's African population.

On October 6, 21 persons were beaten to death and 50 were injured during a clash between a group of ethnic Sonje and Maasai in the Mererani region. The incident began when a group of Sonje youths stole gemstones from a Maasai miner and other Maasai retaliated with violence. However, the incident appeared to be economically motivated.

Section 6. Worker Rights

a. The Right of Association.—Both the Constitution and the 1955 Trade Union Ordinance provide for freedom of association for workers, and the Government respected this right in practice. Worker rights are handled separately by the Union and Zanzibar Governments. The Union Government enforces labor laws for the mainland and the Zanzibar Government enforces legislation specific to Zanzibar and Pemba islands. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as “essential.” The 1999 labor law in Zanzibar applies only to private sector workers and does not protect trade union members from anti-union discrimination.

On July 1, the 1999 Trade Union Act abolished the umbrella organization, the Tanzania Federation of Trade Unions (TFTU) and required its 11 independent unions to separately register with the Registrar of Trade Unions. The act permitted workers to form unions voluntarily without requiring membership in an umbrella organization. All of the 11 unions had registered by year's end.

The 1999 Act gives the Registrar of Trade Unions the power to restrict freedom of association by allowing the Registrar to interfere union activities. The law permits the imposition of large fines, imprisonment, or both for failing to register a trade union. The Registrar is also permitted to deregister the smaller of two trade unions when more than one exists in an industry and to order the smaller union to remove members. The Registrar can suspend a trade union for contravening the act or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

Overall, only about 10 to 15 percent of the country's 2 million wage earners are organized. Registered trade unions nominally represent 60 percent of workers in industry and government. All workers, including those classified broadly as “essential” service workers, are permitted to join unions, but essential workers are not permitted to strike.

There are no laws prohibiting retribution against legal strikers; however, workers have the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which receives direction from the Ministry of Labor and Youth Development. If a union is not satisfied with the decision of the Industrial Court, it may then conduct a legal strike. The mediation and conciliation procedures can prolong a dispute by months without resolving it. During the year, the ILO submitted to the Union Government a list of recommended changes to the law to bring into conformity with ILO standards, but the Government had not taken action by year's end. Frustrated workers have staged impromptu, illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court. The last major strike took place in 1998 at Muhimbili Medical Center when more than 70 percent of the doctors and nurses went on strike for higher pay and better working conditions. In 1998 the Zanzibar Government pledged to review the island's labor laws in an effort to improve industrial relations and minimize labor disputes; however, there was no progress on this issue by year's end.

In 1998 the regional ILO representative called on the Government to ratify conventions on freedom of association, minimum working age, equal opportunity, and freedom from discrimination. In April the Government ratified the convention on freedom of association. The regional ILO office continued to call upon the Government to ratify the other core conventions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law but does not apply to the public sector. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment have reduced such employees to about 5 percent of the work force.

With the abolition of the TFTU, unions directly negotiate with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registra-

tion if they do not conform with the Government's economic policy. The ILO has observed that these provisions are not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. None of the newly registered unions concluded new collective bargaining agreements by year's end. The Security of Employment Act of 1964 prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities are required under the law to reinstate workers. The Warioba Commission, in its White Paper Report of 1998, found that bribes often determine whether a worker dismissed from his job actually is reinstated.

There are no export processing zones (EPZ's) on the mainland, but there are three in Zanzibar. Working conditions are comparable to those in other areas. Labor law protections apply to EPZ workers.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were reports that it occurred (particularly of children). In 1999 the Government repealed the Human Resources Deployment Act of 1983, which allowed forced labor and forced relocation of citizens to ensure productive employment (see Section 2.d.). The new law, the Employment Services Promotion Act of 1999, does not permit either and instead promotes self-employment. However, in some rural areas, villagers still are obligated to work in the village community gardens or on small construction projects, such as repairing roads. The Constitution does not specifically prohibit forced or bonded child labor, and there were reports that it occurred. There were reports of children forced into prostitution by parents or guardians in need of extra income, and there were unconfirmed reports in previous years that children were trafficked to work in mines and other businesses (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides for 7 years of compulsory education through age 15 (see Section 5). In accordance with ILO Convention 138, which the Government ratified in 1999, the Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas, and the Government enforces this prohibition; however, the provision does not apply to children working on family farms or herding domestic livestock. The minimum age for work of a contractual nature in approved occupations is set at 15 years. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night. Approximately 250,000 children engage in child labor.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development is responsible for enforcement; however, the number of inspectors is inadequate to police conditions. The effectiveness of government enforcement reportedly has declined further with increased privatization.

Approximately 3,000 to 5,000 children engage in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally receive lower wages than their adult counterparts, although they may be in comparable jobs. Work on sisal and tobacco plantations is particularly hazardous and detrimental to children. From 1,500 to 3,000 children work in unregulated gemstone mines. Girls often are employed as domestic servants, mostly in urban households sometimes under abusive and exploitative conditions. In the informal sector, children assist their parents in unregulated piecework manufacturing. Children are engaged in labor in the areas of mining, domestic service, fishing, commercial agriculture and prostitution.

Several government ministries, including the Ministry of Labor and Youth Development, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government is working with NGO's to establish a specific prohibition against child labor. In 1999 the Government drafted a National Child Labor Elimination policy designed to bring national law into compliance with international conventions, and in December 1999 the Government invited labor organizations and NGO's to comment on the draft law. The Government has worked with the ILO's International Program on the Elimination of Child Labor to develop a national plan of action to address the issue, and in April implemented a program for the elimination of child labor. The Government had not ratified the ILO Convention 182 on the worst forms of child labor by year's end.

The Constitution does not specifically prohibit forced or bonded child labor, and there were reports of children forced into prostitution by their parents or their guardians; there also were unconfirmed reports in previous years that children were trafficked to work in mines and other businesses (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—There is a legal minimum wage for employment in the formal sector. The legal minimum wage is approximately \$38 (30,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate is not always sufficient to provide a decent standard of living for a worker and family, and workers must depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, are paid less.

There is no standard legal workweek; however, a 5-day, 40-hour workweek is in effect for government workers. Most private employers retain a 6-day, 44- to 48-hour workweek. In general, women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. An Occupational Health and Safety Factory Inspection System, set up with the assistance of the ILO, is managed by the Ministry of Labor and Social Welfare and Youth Development; however, its effectiveness is limited. Labor standards are not enforced in the informal sector.

The Employment Services Promotion Act of 1999 provides for the creation of a facility to promote employment by creating selfemployment opportunities, allows the Government to collect reliable data and information on vacancies for the unemployed, and facilitates employment with other agencies and the private sector. However, the new facility was not funded by year's end.

Union officials have claimed that enforcement of labor standards is effective in the formal sector, but no verification studies have been performed. Workers may sue an employer through their union if their working conditions do not comply with the Ministry of Labor's health and environmental standards. Workers who have lodged and won such complaints have not faced retribution; however, workers do not have the right to remove themselves from dangerous situations without jeopardizing their employment.

f. Trafficking in Persons.—The law does not prohibit trafficking, and in previous years there were unconfirmed reports that children were trafficked away from their families to work in mines and other business entities; however, there were no such reports during the year. In 1998 there were unconfirmed reports that senior government officials were involved in the practice; the ILO and a visiting foreign delegation were unable to confirm the reports.

TOGO

Togo is a republic dominated by President General Gnassingbe Eyadema, who has ruled since 1967, when he came to power in a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate the exercise of political power. Eyadema used his entrenched position to repress genuine opposition and to secure another 5-year term in an election held in June 1998, which, like previous multiparty elections, was marred by systematic fraud. Serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established ostensibly to accomplish this transition did not do so in practice. However, on April 5, the President promulgated a new Electoral Code, which was drafted by the RPT-controlled Government in consultation with opposition parties. The Electoral Code establishes an Independent Electoral Commission (CENI), composed of 20 members, 10 from the President's RPT party and 10 drawn from opposition parties. The CENI is intended to monitor, collect, tally, and announce the results of the next legislative elections. In the March 1999 legislative elections, which were boycotted by the opposition, the RPT won 79 of the 81 seats in the National Assembly, and the elections were marred by procedural problems and significant fraud, particularly the misrepresentation of voter turnout. In July 1999, President Eyadema promised new legislative elections in March; however, such elections were not held by year's end. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized Government and have perpetuated the dominance of northern ethnic groups, including Eyadema's Kabye ethnic minority, throughout the public sector, especially the military. The executive branch continues to influence the judiciary.

The security forces consist of the army (including the elite Presidential Guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the Kabye ethnic minority. Although the Minister of the Interior is in

charge of the national police, and the Defense Minister has authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces continued to commit serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million is engaged in subsistence agriculture, but there is also an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than \$400 a year. Economic growth continues to lag behind population growth. The economy is impeded by a large and inefficient state-owned sector, high (although drastically reduced) spending on the security forces, widespread corruption, and lack of Government budget and fiscal discipline. Most major bilateral donors have suspended their aid due to the Government's weak democratization efforts and poor human rights record. Several international financial institutions also halted budgetary assistance to the Government.

The Government's human rights record remained poor; although there were a few improvements in a few areas, serious problems remain. Citizens' right to change their government is restricted. Unlike previous years, there were no confirmed reports of extrajudicial killings. Security forces committed beatings. The Government did not, in general, investigate or punish effectively those who committed abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in previous years. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common, with prisoners often detained 6 to 7 months without being charged. The Government continued to influence the judiciary, which is understaffed and overburdened, and did not ensure defendants' rights to fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention and criminal libel prosecutions to harass journalists and political opponents. Laws were pun

turncriminn write articles critical of the Government and its officers. The Government restricted academic freedom. The Government restricted freedom of urncmbly, urnociation, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and nocietal discrimination against women remained a problem. Female genital mutilation (FGM) among some ethnic groups persisted; although there is a 1998 law that prohibits FGM, the Government enforced it rarely. Discrimination against ethnic minorities remained a problem. The Government limits workers' rights to collective bargaining. Trafficking in women for the purpose of forced prostitution and trafficking in children for forced labor remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Unlike previous years, there were no confirmed reports of extrajudicial killings.

On March 27, an agitator reportedly paid by the Government was killed on the University of Benin campus in Lome during a confrontation between demonstrating students and a group of false student demonstrators paid by the Government to disrupt the demonstration (see Section 2.a.).

There were no developments in the October 1999 killing of u missionjffHin Lome. One soldier and one urnailant were killed in an exchange of gunfire between police, militijffHpersonnel, and the urnailants.

There were no developments or arrests in the nt darmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and net fires that reportedly killed two children.

An Amnesty International (AI) report issued in MafH1999 stated that hundreds of bodies—presumably members of the opposition—were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.b. and 4). The Government denied the charges and called for an international inquiry. In September the Government accepted a joint U.N./OAU commission to investigateHeblegations of hundreds of extrajudicial killings around the time of the 1998 presidential election. The U.N./OAU commission of inquiry visited the countffHin November to investigate these charges; the three-person commission met with the President and members of his cabinet, as well as with fishermen and farmers in the countffHand in Benin. Under the terms of the inquiry, the Government pledged not to retaliateHegainst the

witnesses. The commission is scheduled to release the results of its investigation in early 2001 (see Section 4).

There was no development in the August 1998 killing of Liman Doumougue, Deputy Secretary General of the National Association of Independent Unions of Togo (UNSI), a pro-opposition labor federation. In May 1999, UNSIT wrote a letter to President Eyadema requesting an independent investigation into the killing; however, the Government did not respond. The September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal Committee (CAR) party, was still under investigation at year's end. There were no developments in the 1998 killings of the Togolese Human Rights League founding member Dr. Tona Pierre Adigo and businessman Malou Borozi. There has been no public investigation into the June 1998 killing of the child, Ayele Akakpo. The Government claims that the August 1998 attack on Union of Forces for Change (UFC) Secretary-General Fabre's residence was carried out by coup plotters from Ghana.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

An AI report issued in May 1999 reported that hundreds of bodies—presumably those of opposition members—were thrown into the sea around the time of the June 1998 presidential election (see Sections 1.a. and 4). According to AI, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against AI in 1999; however, it has not pursued the charges. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In September a U.N./OAU commission arrived to investigate those charges and other alleged disappearances.

AI also reported that on August 20, 1998, two young men, Komlan Edo and Kodjo Kouni, were beaten and arrested by security forces in a northwest suburb of Lome, then taken to a nearby military camp, after which they disappeared. There were no further developments in the case during the year.

There was no investigation into the mass burials of 1997 and 1998 reportedly in the vicinity of Lome.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, which remained under investigation by the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention.

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces used tear gas and batons to disperse demonstrators forcibly (see Section 2.b.). On January 12, police forcibly dispersed opposition party demonstrators using tear gas and truncheons, inflicting minor injuries (cuts and bruises) on the demonstrators (see Section 2.b.). On July 6, security forces forcibly dispersed a UFC rally and beat several demonstrators (see Section 2.b.). Although several protestors were detained briefly, the Government did not press charges; no action was taken against the security forces.

On February 17, students demonstrated in protest of the selection of the president of an independent student organization; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises (see Section 2.a.).

Impunity remains a problem, and the Government did not publicly prosecute any officials for these abuses.

An Angolan diplomat accredited to Benin and Togo was arrested and allegedly tortured in November 1999 for allegedly attempting to kidnap one of Jonas Savimbi's children. The diplomat was released quickly and deported immediately; the Government took no action on the allegations of torture.

There was neither investigation into nor action taken on the 1999 case in which security forces reportedly tortured a human rights monitor. There was no investigation into nor action taken in the August 1999 case in which five young men, who traveled from Lome to Kara to hold discussions on the Lome Framework Agreement, said that they were detained and beaten on two occasions by police, gendarmes, and military personnel in Kara. Authorities maintained that their wounds resulted when they resisted arrest. There was no investigation into nor action taken in the May 1999 case in which security forces allegedly beat and tortured Ameen Ayodele, a member of the Nigerian section of AI (see Section 4). There was no investigation into nor action taken in the March 1999 case in which security forces in Lome beat

university student Gerard Amedjro and a female friend, allegedly after the latter refused to undress for them.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, reportedly housed 1,500 inmates or more during the year. Medical facilities are inadequate, and disease and drug abuse are widespread. Despite these problems, for the fourth consecutive year there were no reported deaths of prisoners due to disease or inadequate medical facilities. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Prisoners reportedly have to pay \$2.50 (CFA 1,500) to guards before being allowed to visit the infirmary if sick. The children of convicted adults often are incarcerated with the female inmates, who are housed separately from the male prisoners. Juvenile prisoners are held separately from adults.

In September a local NGO, the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), began to conduct a census of civilian prisons funded by a foreign Government. The study was proceeding at year's end.

Although some international and local private organizations have access to prisons for monitoring purposes, the International Committee of the Red Cross did not request a visit during the year. Following an October seminar on torture sponsored by the Togolese Human Rights League and attended by gendarmes, prison guards, and magistrates, the Justice Minister agreed to authorize a prison visit by the league's president accompanied by the prison director. However, after the prison tour on December 21, there was no change in the treatment of the prisoners.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after an initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and were still awaiting trial at year's end. An estimated 50 percent of the prison population is pretrial detainees.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists for alleged defamation of Government officials (see Section 2.a.). On February 24, security forces arrested seven members of the opposition UFC party, the day after a confrontation between UFC and RPT party members; no RPT members were arrested. After many delays during which time some of the UFC members remained in detention, they were tried in August; two were acquitted and five others were convicted of disturbing the peace and destroying public property. They received jail sentences of 2 to 6 months and were ordered to pay a \$700 (CFA 500,000) fine. On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report. The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

Members of the security forces arrested and detained journalists without charging them with any offense (see Section 2.a.).

Members of the security forces detained human rights monitors and activists (see Sections 2.b. and 4).

On December 23, 1999, authorities arrested Roland Comlan Kpagli, publisher of L'Aurore newspaper on charges of reporting false information (see Section 2.a.). In response to international pressure, he was not tried, was never charged officially, and was finally released on February 4. On January 28, authorities arrested Norbert Gbikpi-Benissan of the UNSIT teachers' union and Allagua Odegui, Secretary General of the FETRAN/UNSIT, for allegedly providing false information to Kpagli for the article that prompted his arrest. International pressure resulted in their release within a month.

In November 1999, security forces arrested and allegedly tortured an Angolan diplomat for allegedly attempting to kidnap one of Jonas Savimbi's children (see Section 1.c.). He was released subsequently and immediately deported.

The status of UFC activist Abevi Abbey, detained by security forces in April 1999 for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations, remains unknown. A domestic NGO believed that he had been released.

The Constitution prohibits exile, and the Government respects this prohibition; however, several opposition and human rights workers remain in self-imposed exile because they fear arrest.

For example, on March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. Some students fled into self-imposed exile in Ghana before they could be arrested.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocate an independent judiciary and belong to the National Association of Magistrates (ANM) are marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. In June 1999, when President Eyadema named a new cabinet, he appointed former Interior Minister General Seyi Memene to replace a civilian Justice Minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

Impunity for those who commit abuses, particularly those close to Eyadema, remains a problem.

There were no reports of political prisoners. On March 11, 1999, the three remaining members of the opposition group MO5, arrested in 1994 and sentenced in 1996 to 5 to 7 years in prison, were freed. Although their crime appeared to have been politically motivated, the state prosecutor did not apply the December 1994 general amnesty law to this case and they remained in prison until their release in March 1999.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity of residences, the secrecy of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security (see Section 2.d.).

In May the Government stationed security guards around the home of former human rights Minister Harry Olympio and restricted his movements, ostensibly for his own protection following an attempt to kill him.

Citizens believe that the Government monitors telephones and correspondence, although this surveillance has not been confirmed. The police and Gendarmerie perform domestic intelligence functions. The Government maintains a system of informers on the university campus (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition news-

papers. Advertisers reportedly often were intimidated as well. Few opposition newspapers are distributed outside the Lome area, particularly in areas not known to be ruling party strongholds.

On January 4, the National Assembly adopted an amendment to the 1998 Press and Communication Code. Article 1 of the 1998 code declares that the media are free; most of the remaining 108 articles restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (CFA 500,000 to 1 million). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to \$4,000 (CFA 2 million). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The January amendment revised Article 89 to provide for 3- to 6-month jail terms for first offenders, who previously were subject only to 3-month suspended sentences. In practice first-time offenders were imprisoned in spite of the former article, which was changed to conform to practice.

On August 10, the National Assembly passed a law further regulating journalism, which included a provision requiring that all journalists must have a journalism degree; however, there are no journalism programs offered in the country. Although a grandfather clause applies to those already active in journalism, observers believe that this law could be used to prevent persons seen as unsympathetic to the Government from becoming journalists. Although it is not necessary to be an accredited journalist to publish an editorial or opinion article, the Government may take reprisals if offended by published material, such as arresting or detaining the writer, or firing a civil servant.

Despite Government interference, there is a lively press, most of which is heavily politicized and some of which is often highly critical of President Eyadema. About 16 privately owned newspapers publish with some regularity. The only daily newspaper, *Togo-Presse*, is government-owned and controlled. A private Lome-based newspaper, *Crocodile*, publishes on a biweekly schedule.

There is no prepublication censorship of print media in law or practice; however, security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On April 6, security forces seized copies of opposition newspaper *Crocodile* without explanation. Authorities seized the April 13 edition of *L'Exile* and detained editor Hippolyte Agboh after the newspaper published an article alleging the death of Eyadema's daughter in a late-night car accident. Agboh was released on June 16, just prior to the OAU summit in Lome; he was never charged and no further action was taken in the case. On June 5, security forces seized copies of the weekly newspaper *Le Combat du Peuple*. The newspaper's publisher, Lucien Messan, was charged with libel and fined more than \$900 (CFA 600,000). By year's end, no journalists remained in prison.

On July 31 and August 1, the Minister of the Interior questioned and threatened with arrest Kofi Messa Devotsu of the Togolese Human Rights League (LTDH) after the LTDH published a report on July 20 that was critical of human rights in the country (see Section 4). A number of independent journalists also were questioned at the same time for publishing articles on the LTDH report.

On December 23, 1999, Roland Comlan Kpagli, editor of *L'Aurore*, was arrested for publishing false news regarding the death of a schoolgirl during a police response to a student demonstration. Kpagli was released on February 4 without being charged.

At year's end, no further action had been taken in the case of Ame Kpeto, an army warrant officer who made critical statements about Government officials at a military assembly in 1998. In 1999 Kpeto was charged with slandering the honor of the army and transferred to the civil prison of Lome to await a civil trial.

Since newspapers and television are relatively expensive, radio is the most important medium of mass communication. In addition to two Government-owned stations including Radio Lome, there are more than 20 private radio stations in the country. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling party.

Prior to the adoption of the 1998 Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations began in 1999 to broadcast some domestic news, but they offered little of the political commentary and criticism of the Government that is widespread in the print media. However, Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. In 1999 a pri-

vate station, Kanal FM, became a foreign affiliate and carries several hours of news, music, and commentary daily.

The government-owned and controlled Television Togo is the only television station in Lome and in most of the country. In 1999 a small private television station began local broadcasts in Aneho with limited programming.

The Constitution mandates equal access to state media; however, the official media heavily slanted their content in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) is charged with providing equal access to state media as mandated by the Constitution. Although it is nominally independent, in practice it operates as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the Government-controlled media. An NGO, the Togolese Media Observatory (OTM), was established in November 1999 with the purpose to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the Internet. There are about 15 Internet service providers in the country. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, academic freedom is constrained by concern among professors about potential harassment by the Government or antiopposition militants and the lack of a faculty-elected rector. Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January, forcing classes to begin late and almost causing the cancellation of the school year. Opposition student groups reportedly are intimidated by an informer system that has led in the past to Government persecution. The only officially tolerated student groups, Haut Conseil des Mouvements Etudiants and Union General des Etudiants et Stagiaires du Togo, are pro-Eyadema. An independent student organization (CEUB) has had longstanding unofficial recognition, and its elected representatives have participated on university committees. However, in February students complained that board members bribed by the Government selected the newly elected CEUB president. On February 17, in response students demonstrated in protest of the selection of the president; government security forces dispersed the demonstrators with truncheons and tear gas; some students suffered cuts and bruises. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. One Government agitator was killed on the university campus in March during a demonstration (see Section 1.a.), and CEUB leader Lorempo Lamboni went into hiding after being charged by the Government with responsibility for the events leading to this death; Lamboni remained in hiding at year's end. On March 8, several student opposition leaders were sentenced to 18-month jail terms for inciting riots on the campus of the University of Benin. During the year, some students fled into self-imposed exile in Ghana before they could be arrested.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides that citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties sometimes were able to hold public meetings in Lome, authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government.

On January 12, security forces using tear gas and truncheons forcibly dispersed a UFC march held in Lome to protest the January 13 Liberation Day holiday. There were credible reports that the Government used paid agitators to disrupt student demonstrations and provide a pretext for security forces to disperse demonstrators and arrest students. For example, on March 27, a student demonstration on the university campus was dispersed and a demonstrator was killed (see Sections 1.a. and 2.a.). On June 20, the Government banned all demonstrations prior to the OAU summit in early July. On July 6, immediately prior to the opening of the OAU ministerial meeting in Lome, security forces forcibly dispersed a UFC rally of approximately 200 persons that violated the government ban on demonstrations during this period; security forces beat several demonstrators. The demonstrators were seeking release of seven UFC members arrested in February (see Section 1.d.).

In December 1999, police arrested student union leaders and detained them for several days following a riot allegedly caused when security forces dispersed a student gathering at a Lome high school. Officials told the arrested students that they would be held responsible and rearrested for any demonstrations that occurred sub-

sequently in Lome. They were released within a few days of their arrests and given 18-month suspended sentences.

In late August 1999, in Kara authorization was denied to organizers of an information meeting on the July 29 Framework Agreement on Democratic Transition in Togo; the organizers were arrested (see Section 1.c.); however, they were not charged and were released within a few days.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties are able to elect officers and register, few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions.

There are many nongovernmental organizations (NGO's); they are required to register with the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

New religious organizations are required to register with the Ministry of Interior, and scores of applications await adjudication; however, these groups appear to practice their faiths without hindrance. In the early 1990's, a number of new religious groups began to seek recognition. Cases of individuals who used religion as a cover for other activities also increased. At the same time, advocates for religious freedom demanded more tolerance and protection for persons of all faiths. At the urging of the Togolese Association for the Defense of Religious Liberty (ATDLR), which was founded in 1991, the Government adopted a more liberal approach to religious freedom; however, the Government concluded that the rise of cults and dubious religious associations was a problem. In 1995, the last year for which statistics are available, the Government recognized only 71 of the 198 groups that applied for official recognition during that year. It is believed that the others continued to operate in a clandestine fashion. These unregistered groups are mostly little known groups within the major religions.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion," and this occurs in practice.

In January, for the second year in a row, the Catholic Church declined an invitation to participate in a "Day of National Liberation" service organized by the Government. The Catholic Church stated that it is inappropriate to hold a worship service in a government building. In 1999 the Government criticized the church for "not contributing to national reconciliation" but took no further action. In addition, under the leadership of the Archbishop of Lome, the Catholic Church continued to refrain from delivering political sermons praising President Eyadema.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricts these rights in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common, and government security forces searched cars throughout the country. The lack of discipline of some soldiers manning roadblocks and their actions, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. In June the Government also declared that no old-model cars would be allowed on the roads during the July OAU summit. Downtown areas of Lome were blocked to all but official vehicles during the week of the Summit.

The Government eased its strict documentation requirements for citizens who apply for a new passport or a renewal. In the previous year, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman (see Section 5) in addition to normal identity papers. In 1997 the Government transferred the Passport Office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government maintains that its intent was to take passport issuance away from corrupt police officials. Strict passport application requirements and a shortage of blank passports prevented or significantly hindered some citizens' travel abroad. However, in January a new machine-readable passport was introduced; delays for passports are a result of 2 years' deferred demand and the centralization of the passport-issuing authority. A national identity card can also be used for travel to other member countries of the Economic Community of West African States.

There is no law that provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government provides first asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian

organizations in assisting refugees and routinely accepts the decision of the UNHCR office located in Lome in determining refugee status. The UNHCR estimated at year's end that the country hosts 11,208 refugees from Ghana. Another 11,000 Ghanaian refugees live in villages in the northern part of the country and are not assisted by UNHCR. The UNHCR also estimated that 1,058 Togolese refugees still remained outside the country at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricts this right in practice. In the June 1998 presidential election, as in virtually all previous elections since Eyadema seized power in 1967, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote in the 1998 election; however, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.

Although the Government did not obstruct the functioning of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups. The Government and the State remained highly centralized. President Eyadema's national Government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

The second multiparty legislative elections of Eyadema's 33-year rule were held on March 21, 1999. However, the opposition boycotted the election, in which the ruling party won 79 of the 81 seats in the National Assembly. The two remaining seats went to candidates from little-known independent parties. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout.

The opposition set several conditions before it would take part in the 1999 legislative elections. Chief among them was a settlement of the dispute over the seriously flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister. Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached in December 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7, 1999 and a runoff on March 21, 1999. The Government argued that the mandate of the outgoing legislature expired in March 1999 and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February 1999, the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population, and some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18, 1999. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because they occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. According to the Government, about 65 percent of the population participated in the legislative elections while the opposition stated that the figure could not be more than 10 percent. The progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached about 37 percent in the opposition stronghold of Ave, and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election; however, there were no independent observers present when the military voted on March 18, 1999. Even though RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-

party elections. For example, in Tchaoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m.; these delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

On April 9, 1999, the Constitutional Court confirmed that of the 2,412,027 registered voters, 1,592,661 voted, for a turnout of 66 percent. The court rejected a dozen complaints and annulled the results in two districts; however, new elections were never held in these districts and the districts remained unrepresented at year's end.

The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and its ability to request amendments, the National Assembly largely endorses the proposals of the President and the Government.

After the 1999 legislative election, the Government announced that it would continue to pursue dialog with the opposition. In May 1999, 2 months after the election, President Eyadema nominated a new Prime Minister, Eugene Koffi Adoboli, a former U.N. official who was not a member of the ruling party. In August the National Assembly unanimously passed a no-confidence vote against Adoboli and his 14-month-old Government; he resigned 2 days later. On August 29, the President appointed the former president of the National Assembly, Agbeyome Kodjo, a former Interior Minister and RPT supporter as the new prime minister. In September the National Assembly, in a secret ballot with just one candidate running, voted to elect former National Assembly first Vice President Fambare Natchaba to replace Kodjo as president of the National Assembly. The vote was close, 51-23, but most observers agreed that this was due more to a dislike of Natchaba than to a rebuke of the President's apparent choice for the job since the President's party controls all but two seats in the National Assembly.

In June 1999, the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. In July 1999, the Government and the opposition began a dialog, and on July 29, 1999, all sides signed an accord called the "Lome Framework Agreement," which included a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his current one expires in 2003. The accord also called for the negotiation of a legal status for opposition leaders, as well as for former heads of state (such as their immunity from prosecution for acts in office), although at year's end only the former had been considered. In addition the accord addressed the rights and duties of political parties and the media, the safe return of refugees, and the security of all citizens. The accord also contained a provision for compensating victims of political violence. The President also agreed to dissolve the National Assembly in March and hold new legislative elections, which would be supervised by an independent national election commission and which would use the single-ballot method to protect against some of the abuses of past elections. However, the March date passed without presidential action, and new legislative elections had yet to be held at year's end.

As called for in the Lome Framework Agreement, a Joint Implementation Committee (JIC) began meeting on August 10, 1999 to implement the agreement's provisions. In December 1999, the JIC sent new Electoral Code legislation to the Government establishing the new CENI. On April 5, the President signed into law a new Electoral Code that established the Independent Electoral Commission (CENI), which is composed of 10 members of the President's RPT party and 10 members of the opposition. Most opposition parties accepted the new Electoral Code. On July 22, the CENI selected Artheme Ahoomey-Zunu, a member of the opposition Pan-African Patriotic Convergence Party CPP (CCC PPP) to be its president. At year's end, the CENI was working with the Government to develop a budget and then to seek funding from the donor community for new legislative elections, tentatively projected for 2001.

In 1998 the National Assembly voted on a decentralization plan, but the plan's implementation has been slow. Administratively, the prefect, nominated by the Interior Minister, is the primary representative of the central government in each of the 30 prefecture. Some Government agencies have representatives in the five regions.

There are no legal restrictions on the participation of women in politics or government; however, women were underrepresented in government and politics. Although many women are members of political parties, there were only 2 female ministers in the Government and 5 female members in the 81-member National Assembly.

There are no legal restrictions on the participation of members of ethnic minorities in the government; however, members of southern ethnic groups were underrepresented in government and politics. However, no ethnic group, including the President's, was overrepresented conspicuously in the Cabinet.

Section 4. Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several domestic private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPEL), the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allows groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists, and was inconsistent in following up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities. A Minister for the Promotion of Democracy and Rule of Law was appointed in 1998. In 1999 he promoted initiatives to establish a human rights resource center and develop a civic education curriculum for schools; however, in August the separate ministry was abolished, and human rights issues were transferred to the Ministry of Justice. At year's end, there was no further action on these problems.

In November a joint U.N./OAU commission visited the country and Benin to investigate allegations that there were hundreds of extrajudicial killings during the period of the 1998 presidential elections. Many of the allegations were made in a May 1999 AI report. The Government vigorously disputed the report's findings and threatened to sue AI. In criticizing AI, the Government also noted that no journalist or foreign observer who monitored the June 1998 election reported bodies washing ashore; however, the newspaper *L'Aurore* in its August 13, 1998 edition, mentioned some bodies washing up on the Togolese and Beninese shores. The Government stated that the UFC and CDPA opposition parties directed the AI report, a charge denied by those groups and by AI. At the time, the Government also alleged that the ATDPDH collaborated with AI. The three-person U.N./OAU commission of inquiry met with the President and members of his cabinet, as well as with fishermen and farmers in the country and in Benin. Under the terms of the inquiry, the Government pledged not to retaliate against the witnesses. The commission is scheduled to release the results of its investigation in early 2001 (see Section 1.a.).

AI/Togo regained its official status with the Government during the year and operates within the country.

In April 1999, the Ministry for the Promotion of Democracy and the Rule of Law, headed by Harry Octavianus Olympio, opened an information and documentation center on human rights. However, in June the President fired Olympio and accused him of staging his own attempted killing. He was not replaced and, at year's end, the position of Minister for the Promotion of Democracy and the Rule of Law was absorbed into the Ministry of Justice.

On July 31 and August 1, Kofi Messa Devotsu of the LTDH was questioned and threatened with arrest by the Minister of the Interior after the LTDH published a report on July 20 critical of human rights in the country (see Section 2.a.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government does not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained a problem. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominate much of the public sector, especially the military.

Women.—Violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in domestic violence cases. Wife beating has been estimated to affect approximately 10 percent of married women.

Despite a constitutional declaration of equality under the law, women continue to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires that a married woman have her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However,

harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural fieldwork. Under traditional law, which applies to the vast majority of women, a wife has no maintenance rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny is practiced.

There is a Ministry of Feminine Promotion and Social Protection, which, along with independent women's groups and related NGO's, campaigns actively to inform women of their rights.

There is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Sections 6.c. and 6.f.), but the Government reportedly exercised more vigilance at border crossings to counter such trafficking.

Children.—Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. Although the law protects children, there are many practices that demonstrate a pattern of discrimination against children, especially girls. The Government provides free education in state schools. School attendance is compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attend school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls start primary school; however, only approximately 39 percent of boys and 13 percent of girls reach secondary school. Approximately 3 percent of boys and 0.6 percent of girls reach the university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. About one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are social programs to provide free health care for poor children. There are few juvenile courts, and children are jailed with adults (see Section 1.c.). In rural areas, traditionally the best food is reserved for adults, principally the father.

Female genital mutilation which is widely condemned by international health experts as damaging to both physical and psychological health, continues to be practiced. The most commonly practiced form of FGM is excision, which usually is performed on girls a few months after birth. A 1995 survey concluded that approximately 12 percent of all girls and women have undergone FGM; it is practiced by Christians and practitioners of traditional indigenous religions, and it is prevalent in Muslim communities. Most of the larger ethnic groups do not practice FGM. However, among the practicing groups rates range from 40 to 98 percent.

In theory women and girls are protected from FGM by the Constitution, and in 1998 the Government enacted a law prohibiting the practice with penalties for practitioners ranging from 2 months to 5 years imprisonment and substantial fines. There was one arrest, the first under the law, in 1998. Both the father of the victim and the practitioner were found guilty on June 28, sentenced to a year in prison, and fined \$175 (CFA 100,000). Both were released after serving 2 months in jail. However, the law rarely is prosecuted because most FGM cases occur in rural areas where neither the victims nor police know the law. Traditional customs often supersede the legal systems among certain ethnic groups.

The Government continued to sponsor seminars to educate and campaign against FGM. Several NGO's, with international assistance, organized educational campaigns to inform women of their rights and to care for the victims of FGM.

There are confirmed reports of trafficking in children, particularly girls, for the purpose of forced labor, which amounts at times to slavery (see Sections (6.c. and 6.f.).

People with Disabilities.—The Government does not mandate accessibility to public or private facilities for the disabled. Although the Constitution nominally obliges the Government to aid disabled persons and shelter them from social injustice, the Government provides only limited assistance in practice. There is no overt state discrimination against disabled persons and some hold Government positions. However, the disabled have no meaningful recourse against private sector or societal discrimination, and there is discrimination against the disabled in practice.

National/Racial/Ethnic Minorities.—The country's population of more than 4 million includes members of some 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (about 5 percent). The Ewe and Mina are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabye are the largest group in the drier, landlocked, less populous, and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative paucity of marriages across the north-south ethnic divide. There are no effective impediments to the extension of such discrimination into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance of the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, are sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The RPT party is more represented among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

In previous years, north-south tensions repeatedly have erupted into violence of a clearly interethnic character, although there were no reports of such violence during the year. Majority ethnic group members in each region have harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In addition due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times carried ethnic and regional overtones (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to join unions and the right to strike; however, security forces, including firemen and policemen, do not have these rights; government health care workers may join unions but may not strike. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The work force in the formal sector is small, involving approximately 20 percent of the total work force of whom from 60 to 70 percent are union members or supporters.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT)—which is closely associated with the Government, the Labor Federation of Togolese Workers (CSTT), the National Union of Independent Syndicates (UNSI), and the Union of Free Trade Unions.

There is no specific law prohibiting retribution against strikers.

On January 28, the Government arrested two trade union officials, Gbikpi Benissan, Secretary-General of the National Union of Independent Trade Unions of Togo (UNSI) and Allagah-Kodegui, Secretary-General of the Democratic Organization of African Workers' Trade Union (ODSTA). On January 29, an arrest warrant was issued for Beliki Akouete, Secretary-General of the Workers' Trade Union Confederation of Togo (CSTT) and Deputy Secretary-General of the Democratic Organization of African Workers' Trade Union (ODSTA). The Government arrested the two high-ranking trade union officials for "spreading false information and libel," both of which are penalized specifically under the Code of Press and Communications, and not for any trade union activities. On February 4, the Government released the two trade union officials and withdrew the arrest warrant against Akouete; the judicial proceedings against the three persons were dropped.

Teachers' salaries and students' stipends rarely are paid on time. University faculty remained on strike over this issue until January (see Section 2.a.).

Federations and unions are free to associate with international labor groups. The CNTT and the UNSI are affiliates of the International Confederation of Free Trade Unions. The CSTT is an affiliate of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. All formal sector employees are covered by a collective bargaining agreement. This agreement sets nationwide wage standards for all formal sector employees. The Government participates in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector can attempt through sector-specific or firm-specific collective bargaining to negotiate agreements more favorable to labor, but this option rarely is used.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor is charged with resolving labor-related complaints, but it does not always do so effectively.

A 1989 law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and more than 30 are in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms do not enjoy the same protection against antiunion discrimination as do other workers. In practice unions do not have free access to EPZ's or freedom to organize workers. During the year, the Government did not change the 1974 Labor Code to end the prohibition against foreign nationals performing administrative or management functions in trade unions.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or bonded labor, including that performed by children, and children sometimes are subjected to forced labor, primarily as domestic servants. The Government acknowledged that there is international trafficking in children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery (see Section 6.d. and 6.f.). There also is some trafficking in young women for the purpose of forced prostitution or for forced labor as domestic servants (see Sections 6.d. and 6.f.).

In rural areas, parents sometimes put young children into domestic work in other households in exchange for sums as low as the equivalent of \$25 to \$35 (CFA 15,000 to 20,000).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment require a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work. Under the Constitution, school is mandatory for both sexes until the age of 15, but this requirement is not enforced strictly (see Section 5). The law does not prohibit forced and bonded labor by children, and children are trafficked for forced labor (see Section 6.c. and 6.f.). On September 19, the Government ratified ILO Convention 182 on the worst forms of child labor. Although the Government ratified the convention, few resources were allotted for implementation and, at year's end, enforcement was weak. The Ministry of Social Affairs, Promotion of Women, and Protection of Children was assigned responsibility for implementation.

e. Acceptable Conditions of Work.—The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to less-skilled workers. Official monthly minimum wages range from approximately \$20 to \$33 (CFA 14,700 to 23,100) per month. Many workers cannot maintain a decent standard of living for themselves and their families at the official minimum wages, and many must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor is ostensibly responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex; however, this provision generally is observed only in the formal sector.

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week is compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work. However, the Ministry of Labor's enforcement is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some reportedly cannot do so.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and trafficking is a problem. The country remained a source and transit point for trafficking in persons. There were 425 victims returned to the country during the year; NGO's provide some support for victims. One woman, who returned from Gabon after 5 years as a victim of trafficking, filed a suit during the year against a Gabo-

nese schoolteacher living in Togo, who she accused of trafficking in children to work in Gabon; however, by year's end, there was no progress in the case.

Trafficking in women for the purpose of forced prostitution or nonconsensual labor as domestic servants exists.

Children are trafficked to indentured and exploitative servitude, which amounts at times to slavery. Children often are trafficked to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. In countries such as Cote d'Ivoire or Gabon, these children are extensively exploited. They are fed poorly, crudely clothed, and inadequately cared for, and are neither educated nor permitted to learn a trade. Children sometimes are trafficked abroad by parents misled into allowing them to depart under false pretenses. In 1999 authorities intercepted 750 children and arrested 21 traffickers at the borders. During the year, the Government intercepted 425 children. A local NGO focusing on trafficking issues estimated that 85 percent of traffickers in the country are women. For example, in 1999 two Ghanaian women took six children, ages 6 to 14, from the town of Tsevie to Cote d'Ivoire where they were to be resold for \$350 to \$530 (CFA 225,000 to 350,000) to work on plantations or as house servants. In 1999 police caught Beninese traffickers who were taking 39 children, including some as young as 2 years of age, from Benin to Cote d'Ivoire overland through the country.

During the year, the Government conducted public awareness campaigns, with the help of the U.N. Children's Fund and NGO's such as WAO-Afrique. WAO-Afrique obtained additional funding from a foreign private company to support its awareness campaigns against child trafficking and forced labor.

The country is a source and transit point for child traffickers. There are credible reports of Nigerian women and children trafficked through the country to Europe (particularly Italy and the Netherlands) to work in forced prostitution. Since the law regarding trafficking is vague and imprecise, persons arrested or detained by government security forces for alleged trafficking ultimately are released for lack of evidence. The Government does not provide assistance for victims; however, an NGO (Terre des Hommes) assisted recovered children until their parents or next-of-kin could be notified. There is also a government funded Social Center for Abandoned Children.

UGANDA

President Yoweri Museveni, elected to a 5-year term in 1996 under the 1995 Constitution, continued to dominate the Government. He has ruled since 1986 through the National Resistance Movement, legislatively reorganized and renamed as "The Movement" in 1995. The Constitution provides for a 281-member unicameral parliament and an autonomous, independently elected president. The 1996 presidential and parliamentary elections were peaceful and orderly, but election conditions, including restrictions on political party activities, led to a flawed election process. The Constitution formally extended the one-party movement form of government for 5 years and severely restricted political activities. In June a national referendum on the role of political parties resulted in the indefinite extension of the Movement form of government. The referendum process was flawed by restrictions on political party activities and unequal funding. The Parliament acted with continued independence and assertiveness during the year, although Movement supporters remained in control of the legislative branch. Parliamentarians were elected to 5-year terms in 1996. The judiciary generally is independent, but is understaffed and weak; the President has extensive legal powers.

The Uganda People's Defense Force (UPDF) is the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as commander in chief. The UPDF remained active due to the continued instability in the north and west and because of the country's involvement in the conflict in the neighboring Democratic Republic of the Congo (DRC). UPDF soldiers and members of local defense units (LDU's) assist the police in rural areas, although the LDU's continued to operate without a legal mandate; LDU's operate under the authority of the Ministry of Internal Affairs. The Internal Security Organization (ISO)

The economy grew at a rate of approximately 5 percent during the year. Annual gross domestic product (GDP) remained at \$330 per capita. Foreign economic assistance provides approximately 50 percent of government revenues. The agriculturally based economy continued to rely on coffee as its chief export. Foreign investment remained at approximately 4 percent of GDP amid chronic corruption, a troubled macroeconomic reform process, and continuing concerns about regional security in the wake of the country's intervention in the DRC. The pace of the privatization process increased due to the Government's privatization of the telecommunications system and a major parastatal, the Kakira Sugar Works; the Government began preparations to privatize all remaining parastatals. The financial sector strengthened due to improved lending practices and more stringent supervision by the central bank.

The Government's human rights record was poor, and, although there were improvements in several areas, there continued to be numerous, serious problems. Movement domination of the political process limited the right of citizens to change their government. Security forces used excessive force, at times resulting in death, and committed or failed to prevent some extrajudicial killings of suspected rebels and civilians. Police, LDU, and DMI forces regularly beat and sometimes tortured suspects and other persons, often to force confessions. A highly publicized 1999 inquiry into police corruption uncovered numerous serious abuses committed by senior officers and resulted in the arrest of several officers on charges of extortion. There were a number of cases in which the Government detained and charged UPDF and LDU members for human rights abuses. Prison conditions remained harsh and life-threatening. Members of the security forces sometimes arbitrarily arrested and detained civilians. Authorities used incommunicado detention. Despite measures to improve the discipline and training of security forces, and despite the punishment of some security force officials guilty of abuses, abuses by the security forces at times resulted in deaths and remained a problem throughout the country. Prolonged pretrial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays circumscribed due process and the right to a fair trial. The UPDF at times infringed on citizens' privacy rights. The Government generally respected freedom of speech and of the press; however, there were some instances in which restrictions continued. The Government restricted freedom of assembly and association, and the constitutional restrictions on political activity effectively continued to limit these rights further; however, political parties operated with fewer restrictions than in previous years. There were some limits on freedom of movement. The Movement Secretariat, supported with government funds, oversaw internal organizational activity, strategy, and mobilization, and following the June referendum, the Government continued its Movement political education courses. Domestic violence against women, rape, and abuse of children remained serious problems. Discrimination against women and the disabled persisted. The Government worked with nongovernmental organizations (NGO's) to combat the practice of female genital mutilation (FGM), which occurred on a limited basis. Violence against ethnic minorities was a problem. There were some limits on worker rights. Forced labor, including by children, occurred, and child labor was common, mostly in the informal sector. There were reports of trafficking in persons. Vigilante justice also was a problem.

Insurgent forces committed numerous serious abuses. The Allied Democratic Forces (ADF), a rebel group active in the west, killed, tortured, maimed, and abducted many persons, including children. The Lord's Resistance Army (LRA), led by Joseph Kony and supported by the Government of Sudan, operated in the north from bases in southern Sudan. LRA attacks increased during the year, and the LRA continued to kill and abduct civilians, including children.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of politically motivated killings by government forces; however, members of the security forces and the police committed extrajudicial killings. In the course of official operations, police, UPDF, LDU, and DMI personnel sometimes used excessive force, resulting in deaths (see Section 1.g.). On January 19, UPDF soldiers killed two LRA rebels wounded in an unsuccessful attack on the Paloga trading center, Gulu district. By year's end, there were no reports that any actions were taken against the officer who ordered the killings. On January 28, UPDF and police in the Kampala suburb of Kabalagala killed six persons after they allegedly robbed bus passengers of money and property and shot the driver. At year's end, there were no reports that any actions were taken against the UPDF and police officers involved.

Unlike in the previous year, there were no reports that security officials mistreated Muslims or that Muslims suspected of being ADF rebel collaborators or involved in terrorist activities died as a result of torture by DMI officials.

There were allegations of human rights violations during fighting between UPDF and Rwandan army troops in Kisangani, DRC, in May and June, which resulted in hundreds of civilian deaths, over 1,700 persons injured (see Section 1.c.), and 60,000 displaced persons (see Section 2.d.). The most severe of these clashes occurred from June 5 to 11, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources from the DRC claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations reported that at least 400 Congolese civilians were killed during the fighting. Many persons died from injuries because they were unable to get medical attention; transportation to hospitals often was unavailable during the fighting. Many displaced persons remained at a camp outside of the city for several months because they feared to return to their homes. There was widespread reporting throughout the year of killings and other human rights abuses by both pro-DRC and anti-DRC government forces, including the UPDF, in the conflict in the DRC. There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani; however, there were no reports of any deaths or injuries as a result of such landmines.

Verification of these reports was extremely difficult, particularly those emanating from remote areas and those affected by active combat, primarily in eastern DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities. Both pro- and anti-DRC Government forces used propaganda disseminated via local media extensively, including accusations of abuse by opposing forces, further complicating efforts to obtain accurate information regarding such events.

On November 8, there were reports from the DRC that UPDF soldiers allegedly shot and killed nine persons at a wedding party in the village of Kikere, near Butembo, North Kivu Province, DRC; the soldiers believed the village to be sympathetic to the Mai Mai. The attack reportedly followed violent clashes between UPDF and Mai Mai forces in the surrounding area. The soldiers also allegedly set fire to houses in the village; 11 persons burned to death within the houses.

Throughout the year in the Ituri district in Orientale Province of the DRC, an area dominated by UPDF and UPDF-supported forces, fighting continued between members of the Lendu and Hema tribes, which reportedly killed thousands of persons and displaced tens of thousands of others. This fighting reportedly arose from a dispute about land use and also reportedly was manipulated by UPDF troops who charged the tribes fees in order to provide protection to their members. The Government arrested and detained two senior commanders for their actions during this conflict.

On May 19, an independent judicial commission of inquiry into corruption in the police force that began operating in 1999 submitted its report to the Minister of Internal Affairs. During the course of the investigation, the commission uncovered incidents of killings, brutality, theft, and robbery by police in general, and by the Criminal Investigations Department (CID) in particular. The commission's proceedings were open to the public and received extensive press coverage. The report was not made public officially by year's end, although several newspapers carried stories about the report.

Harsh conditions, some intentional mistreatment, and lack of adequate medical treatment caused many deaths in prison (see Section 1.c.).

Government cases against two UPDF soldiers accused of killing five youths in Fort Portal, Kabarole district, in 1999, still were pending at year's end. The 2 soldiers were on remand in Katojo prison facing murder charges; the 12 other soldiers involved in the incident were investigated and cleared of wrongdoing. At year's end, there was no action taken in a May 1999 case in which a police officer shot and killed an unarmed youth. A UPDF inquiry into an August 1999 case in which UPDF soldiers killed two rebel suspects in Lira was ongoing at year's end. There was no investigation nor action taken in a September 1999 case in which UPDF troops opened fire on members of two Karamojong clans that were engaged in a gun battle which resulted in the deaths of hundreds of Karamojong warriors. There was no investigation into or action taken into two cases in July and October 1999 in which police beat to death prisoners in their custody.

Police continued investigations into the January 1998 death in police custody of a 25-year-old suspected thief and the August 1998 incident in which a prison official in Masaka beat to death a suspect on remand for defaulting on tax payments; however, it appeared unlikely that the cases will be closed. In February 1999, the Ugan-

da Human Rights Commission (UHRC) referred for prosecution the case of three police officers accused of killing four robbery suspects in 1998; however, the Directorate for Public Prosecution's investigation was ongoing, and there were no prosecutions in connection with this incident by year's end. The LDU commander arrested in 1999 for the August 1998 death while in custody of two civilians in Kyankwanzi remained in detention awaiting trial at year's end. One police officer was committed to trial before the High Court for the June 1998 incident in which police fired on students at the Kabalega secondary school, killing one student. The case also was pending before the UHRC; however, the UHRC was scheduled to take up the case against after it is reviewed by the High Court.

Investigations into the 1997 deaths by torture of Paul Kollo and Stephan Baryakajika were completed, and the governmentsponsored UHRC heard the cases. In February the UHRC handed the cases over to the courts for prosecution; however, no action had taken place by year's end (see Section 1.c.). It was discovered during the year that the suspect arrested for the 1997 killing of Modesta Kabaranga, a leading organizer for the Democratic Party, was released in 1997; no additional action has taken place.

Vigilante justice was a problem (see Sections 1.c. and 5). Authorities rarely prosecuted persons engaged in mob violence, which frequently resulted in death. Most mob attacks resulted from petty crimes. There were numerous instances in which mobs beat to death or doused with petrol and then burned to death petty theft suspects.

Ritual murders of children remained a problem during the year (see Section 5).

Between February and July, raids by Karamojong warriors on neighboring districts in the northeast resulted in approximately 100 deaths. The raids were precipitated by drought during the year; however, the raids may have exacerbated ethnic tensions in the northeast (see Section 5).

The rebel ADF committed at least 210 extrajudicial killings, including killings of children (see Section 1.g.). LRA attacks increased during the year, and the LRA was responsible for the killing of approximately 175 civilians, including children (see Section 1.g.). On June 12, LRA rebels shot Kitgum Resident District Commissioner J.B. Ochaya while he was traveling near Gulu; he died on July 5. The rebels reportedly killed seven other persons in separate incidents at the same site. On October 1, LRA rebels shot and killed Father Raffale Di Bari of the Comboni Missionary Fathers outside of Kitgum. A nun and several children who were traveling with Di Bari were injured.

There were no credible reports that UNRF-II, USF/A, the Citizens Army for Multiparty Politics (CAMP), or Rwandan Hutu rebels were responsible for the death of civilians during the year (see Section 1.g.).

Unlike in previous years, there were no urban bombings in Kampala and other cities during the year; however, on October 11, 9 persons were killed and more than 40 were wounded in separate grenade attacks on 2 discos in Gulu. In October in a suburb of Kampala, there was a drive-by grenade attack. It was unknown whether there was a motive or if there were any injuries or deaths. It was unknown who was responsible for any of the attacks.

The LRA and the ADF reportedly used landmines. There were several incidents during the year in which civilians were killed by landmines placed by rebels. For example, on January 21, a landmine explosion killed a man at Opidi, Koch, west of Gulu Town; the LRA allegedly planted the landmine. Several children also were killed or injured after stepping on landmines.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces. A number of Muslims, believed to be missing in 1999, were released (see Section 1.d.).

ADF and LRA rebels abducted civilians. Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults. NGO's estimated that the ADF abducted over 441 persons, including children. The LRA abducted approximately 700 persons, including young girls abducted as sex and labor slaves (see Sections 5, 6.c., and 6.f.). The ADF allegedly abducted approximately 30 Ugandan children during the year, in addition to an unknown number of Congolese children. An estimated 8,000 to 10,000 persons have been abducted by the ADF since 1986 and the LRA since 1987 (see Sections 5 and 6.c.). While some later escaped or were rescued, UNICEF estimated that 5,106 children abducted by the LRA since 1987 remain missing, an estimated 100 to 200 children abducted by the LRA during the year remained unaccounted for, and approximately 30 children abducted by the ADF remained missing at year's end (see Section 1.g.). NGO's estimated that since 1996 the ADF has abducted approximately 200 Ugandan children, and an unknown number of Congolese children, approximately 100 of these children remained unaccounted for at year's end. There have been reports in past years that

Karamojong warriors have abducted children for similar reasons, and observers believe that some of these children still are being held.

Reportedly persons whom rebel, Rwandan, or Ugandan forces allegedly detained sometimes were transferred to Rwanda or Uganda.

There were reports from the DRC that UPDF and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits “any form of torture, cruel, inhuman, or degrading treatment or punishment;” however, security forces commonly beat and sometimes tortured criminal suspects, often to force confessions. Although UPDF forces in the north on occasion beat and abused civilians in the previous year, there were no reports of such abuse during the year.

On February 18, a police constable in Kayunga, Mukono district, allegedly tortured two civilians and demanded money in order to release them from jail. In March a police constable was arrested. The case was under investigation by the Mukono district police, and the constable remained in detention at year’s end on charges of unlawfully detaining civilians and disobeying orders (see Section 1.d.).

Police at times harassed or beat journalists and opposition activists (see Sections 2.a., 2.b., and 3). On March 31, police and military police used batons, tear gas, rubber bullets, and live ammunition to disperse an unauthorized rally in Mbarara (see Section 2.b.). Although there were reports of injuries, no one was killed. On April 21, police in Mbale beat Ahmed Washaki, an official of the Uganda People’s Congress (UPC), and locked him in a toilet for allegedly campaigning against the referendum on political systems (see Section 1.d.). On June 25, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and released on bail. On October 12, the charges of misconduct were dropped; however, their trial for alarming the President was ongoing at year’s end (see Section 1.d.). On September 16, police violently dispersed a meeting of the Uganda Young Democrats in Gulu, which resulted in several injuries (see Section 2.b.).

In February businessman Charles Mpunga accused Major Kakooza Mutale, a presidential adviser on political affairs, of detaining and torturing him at Mbuya military barracks in January. In July the UHRC tribunal ruled that there was enough evidence to proceed with a case against Mutale; the UHRC charged and found him guilty of torture and illegal imprisonment. Mutale appealed the ruling to the High Court, claiming that the UHRC lacked jurisdiction. His case still was pending at year’s end, and the UHRC was waiting for the High Court’s ruling before penalizing Mutale.

On March 18, the UPDF arrested the UPDF reserve force commander for Tororo district for torturing civilians and beating two police officers on March 16. The commander remained in detention pending a courtmartial at year’s end. On August 3, the UHRC tribunal summoned the commanding officer of the UPDF presidential protection unit, Major Dick Bugingo, on charges that he tortured Sergeant Godfrey Mubiru in March. Bugingo’s case was ongoing at year’s end.

Fighting between UPDF and Rwandan army troops in Kisangani, DRC, in May and June resulted in over 400 civilian deaths and over 1,700 wounded (see Section 1.a.). There were reports from the DRC that UPDF and Rwandan soldiers allegedly raped women during extensive fighting in Kisangani in May and June (see Section 1.a.). There were reports that both UPDF and Rwandan forces used landmines during the fighting in Kisangani (see Section 1.a.). There were reports that UPDF officers and soldiers also were involved in the first half of the year in violence between the Hema and Lendu tribes in northeastern DRC that resulted in the deaths of thousands of Congolese civilians (see Section 1.a.). The Government arrested and detained two senior commanders for their actions during this conflict.

Unlike in the previous year, there were no reports that security officials mistreated Muslims or that Muslims suspected of being ADF rebel collaborators or involved in terrorist activities died as a result of torture by DMI officials.

LDU’s, which frequently lack training, often mistreat prisoners and detainees. For example, on July 21, police in Arua stopped a mob from lynching an LDU member after the LDU member hit a suspect with a baton.

The Government investigated some cases of abuse, and tried and punished some offenders. In 1999 the Government launched a Judicial Commission of Inquiry into police corruption. The Commission probed a wide range of police abuses, including abuses committed by senior police officials. The inquiry resulted in the arrests of several police officers on charges of abuse, rape, extortion, and robbery, including

a police officer accused of raping a 16-year-old girl. The Commission presented its report to the Minister of Internal Affairs on May 19; however, the report had not been made public by year's end (see Section 1.a.). In February 1999, the Foundation for Human Rights Initiative (FHRI), an independent local human rights organization, began an investigation into allegations that two policemen, Moses Lutaya and Ephraim Magala, were tortured by their superiors during the same month for stealing bananas while on duty. In February 1999, FHRI found that the two were tortured under the orders of the Mpigi district police commander. Lutaya and Magala subsequently were compensated by the Mpigi district administration with approximately \$750 (1.26 million shillings) and were reinstated in their jobs. The senior officers were transferred; however, no additional action was taken against them.

The police Human Rights Desk, established in 1998, received 630 new complaints, including allegations of excessive force, torture, assault, rape, and murder. Of these cases, 600 were resolved or were referred to the criminal or police disciplinary courts, some resulting in disciplinary actions, including reductions in rank, fines, halted promotions, and dismissals. A total of 30 cases were pending at year's end.

In conjunction with the UHRC, the police force continued a training program for police officials to foster respect for internationally recognized human rights standards. The UHRC and NGO's conducted similar programs with UPDF officials throughout the year.

On June 29, Kandida Lakony was released from Luzira Prison after serving her sentence for giving false information regarding a newspaper photograph (see Section 2.a.). The photograph depicted a naked woman being shaved forcefully by a group of men in military uniform; Lakony had claimed that she was the woman in the photograph and that UPDF soldiers in Gulu were responsible.

There was no investigation nor action taken in the 1999 case in which the badly mutilated body of Patrick Ocan was found after he had been seen in UPDF custody. There was no investigation nor action taken in the October 1999 case in which police beat a man while in custody in Buwenge, Jinja District; the man died after being released the following day.

There were no reported developments nor action taken in the February 1999 case in which two teenaged girls reportedly were raped by two LDU personnel at Kabujogera police post in Fort Portal. The accused were arrested pending a police investigation. There were no reported developments nor action taken in the August 1999 case in which an LDU member shot and wounded a businessman in Kisenyi, a suburb of Fort Portal. The LDU member reportedly was apprehended and detained by the UPDF.

In January the Deputy Chief of Military Intelligence, Noble Mayombo, settled out of court a 1998 case in which Peter Ongodia charged that Mayombo illegally ordered his arrest and torture.

In June the UHRC tribunal ruled that the former Permanent Secretary for Defense, Benjamin Mbonye, and Captain Sulait Mwesigye were responsible for the 1997 arrest and torture of a Corporal Sam Muwonge. The tribunal's assessment of damages was pending at year's end. The investigations into the 1997 deaths by torture of Paul Kollo and Stephan Baryakajika were completed, and the cases were heard by the UHRC (see Section 1.a.). The investigation into the 1997 torture of Corporal Twasha Kaushera was abandoned by the UHRC after it failed to locate Kaushera.

There were numerous instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes (see Section 1.a.). Often motivated by widespread distrust of the justice system, these mobs engaged in stonings, beatings, and other forms of mistreatment, such as tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, or forcing suspects to hop painfully on the sides of their ankles. Vigilantes also have stripped prostitutes who dress "indecently" or "provocatively."

The ADF continued to maim civilians, loot, and burn private homes. The LRA and the ADF reportedly used landmines, which caused some deaths and injuries (see Section 1.a.). The LRA engaged in looting and destruction of private property. The ADF and LRA also abducted children to be guerrillas; and the LRA in particular tortured children by beating them, forcing them to witness atrocities, forcing them to march until they collapsed, and denying them adequate food, water, or shelter (see Section 1.g.).

Unlike in the previous year, there were no urban bombings in Kampala and other cities; however, on October 11, there were 2 grenade attacks on separate discos in Gulu, which resulted in more than 40 injuries (see Section 1.a.).

Prison conditions remained harsh and life threatening. Conditions for the estimated 5,000 inmates in local police cells and in the 162 local prisons particularly were bad. Authority over the local prison system, formerly operated by the Ministry

of Local Government, was scheduled to be transferred in 1998 to the state-funded and operated prison system, run by the Ministry of Internal Affairs. The transfer had not taken place by year's end due to funding problems and lack of enabling legislation. Both civilian and military prisons have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, and HIV/AIDS.

No accurate estimates are available on the number of deaths in detention due to the harsh conditions and lack of medical care, although many such deaths have occurred; however, NGO's estimated that the mortality rate in the central prison system improved. The UHRC reported severely inadequate medical services, seriously unhygienic conditions, and a situation of "semi-starvation" among prisoners in many prisons. In March prisoners from Kanungu local administration prison in Rukungiri and suspects from Bushenyi police station were forced to exhume the bodies of persons killed in a massacre committed by a religious cult (see Sections 2.c. and 6.c.). Most prisoners did not have proper protective clothing. In May there were reports that prison authorities in Lira tortured four prisoners. On May 24, an UHRC investigator visited the prison and confirmed the abuse. The investigator also received complaints from female prisoners that they had been tortured by prison authorities. The UHRC tribunal is scheduled to begin hearings on the case in March 2001.

There were no developments in the investigation into the June 1999 death of Matia Kiwanuka Mulama, an inmate of Buikwe prison in the eastern part of the country, who reportedly was found dead after having been tortured by the chief warden.

The harsh conditions largely resulted from the Government's seriously inadequate funding of prison facilities. Most of the prisons grow maize, millet, and vegetables, although the UHRC accused prison farms of overworking inmates. Prisoners received only \$.0006 (1 shilling) per day for their labor, a rate established in the early 1960's (see Section 6.c.). Prison conditions come closest to meeting minimum international standards in Kampala, where prisons provide medical care, running water, and sanitation; however, these prisons also are among the most overcrowded. By one estimate, the country's prisons—all of which predate independence in 1962—hold about three times their maximum planned capacity. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limit family visits. The UHRC reported that it had received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

In May the President signed the Community Service Act, designed to reduce prison congestion by allowing minor offenders to do community service instead of being imprisoned; however, implementation of the act had not begun by year's end due to insufficient funding. On July 13, President Museveni pardoned and released 522 prisoners from Luzira prison on humanitarian grounds.

Women have segregated wings with female staff in most, but not all, prisons. According to human rights advocates, rape generally is not a problem, although female prisoners also suffered from severely substandard conditions. Due to lack of space in juvenile facilities, juveniles often were kept in prisons with adults. The central prison system maintained one juvenile prison and four lower security remand homes. School facilities and health clinics in all 5 institutions are defunct; prisoners as young as age 12 perform manual labor from dawn until dusk. Severe overcrowding also is a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, holds 120 children.

The central prison system continued to work with NGO's and the donor community to improve prison buildings, water and sanitation systems, food, and uniforms. Progress has been marginal.

Government agencies have sponsored or participated in numerous conferences on the justice system and prison conditions, and worked closely with international and domestic human rights organizations on prison reform efforts. There were reports that mortality rates decreased following these activities.

Media access to prisons remained limited, but the Government permitted full access to prisons by the International Committee of the Red Cross (ICRC) and local NGO's, principally the UHRC, the Foundation for Human Rights Initiative, and the Uganda Prisoners' Aid Foundation. Since 1997 UHRC has carried out numerous prison visits and reported on its findings publicly. Prison authorities required advance notification of visits, a process that often was subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile.—Members of the security forces at times arrested and detained citizens arbitrarily. According to the Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). If the case has been committed to the court before the expiration of this period, the Constitution does not limit pre-trial detention. The Constitution also provides that detainees should be informed

immediately of the reasons for their detention; however, in practice the authorities enforced none of these procedural protections. Some laws conflict with the Constitution, for example, the Public Order and Security Act of 1967 (the Detention Order), which provides for unlimited detention without charge; however, these laws never have been invoked formally by the Government. Legal and human rights groups, including the UHRC, sharply criticized the excessive length of detention without trial—in many cases amounting to several years—for alleged offenses under other laws, which both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding.

Arbitrary arrest is a problem. In March a police constable was arrested after he allegedly tortured two civilians and the case was under investigation at year's end (see Section 1.c.). In July the UHRC tribunal ruled that there was enough evidence to proceed with a case against Major Kakooza Mutale; he was charged with torture and illegal imprisonment after he allegedly detained and tortured a businessman at Mbuya military barracks in January (see Section 1.c.).

Arbitrary mass arrests known as "panda gari" remained a problem. On January 16, over 5,000 persons were arrested and detained for 24 hours during a joint operation conducted by mobile police and the UPDF in Gulu municipality. UPDF deserters were transferred to the military justice system, and 30 youths without identification papers were transferred to the police for prosecution.

Authorities arrested several religious leaders and church members during the year for incidents including killings, defilement, rape, abduction, theft, and unlawful assembly (see Section 2.c.). Their cases were in various stages of prosecution at year's end.

Police at times harassed and detained journalists and opposition activists (see Sections 2.a., 2.b., and 3). On April 21, police in Mbale beat Ahmed Washaki, an official of the Uganda People's Congress (UPC), and locked him in a toilet for allegedly campaigning against the referendum on political systems (see Sections 1.c. and 2.d.). On May 23, two Monitor reporters were briefly detained and questioned by the police after writing stories that speculated about government links to the Kanungu cult massacre (see Section 2.a.). On June 25, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and were released on bail. On October 12, the charges of misconduct were dropped; however, their trial for alarming the President was ongoing at year's end (see Section 1.d.).

The rearrest of Muslim suspects following either their release on bail or acquittal was not a problem during the year. On March 15, authorities released 56 members of the Islamic Tabliq group who were arrested in 1995 on treason charges (see Section 2.c.). In June authorities released 28 members of the Islamic Tabliq group who had been rearrested in 1999 after an acquittal on murder charges. Another 2 suspects were released on November 6; however, the remaining 38 suspects chose to stand trial. They maintained that they were innocent of the charges.

The UPDF detained LRA child soldiers at Gulu military barracks for several months. There were reports that the military used the children to help find LRA landmines and arms caches (see Sections 5 and 6.c.).

Although they have no legal authority to make arrests, LDU's continued to arrest citizens on a regular basis.

Pretrial detainees comprise nearly three-fourths of the prison population. The average time in pretrial detention is between 2 to 3 years. An estimated 14,000 of the approximately 20,000 persons being held in the central prisons and in the local government-run prisons are pretrial detainees. Congestion and delays in the legal system have resulted in an increasing number of detainees each year; however, the number of criminal cases pending before the High Court decreased from 1,500 in 1999 to 143 cases during the year. A census of the central prison population conducted in 1999 indicated that at least onesixth of the inmates were being detained beyond constitutional limits. The UHRC heard several cases during the year brought by prisoners challenging the length of their detention, and it was investigating a complaint from prisoners in Bugungu in Mukono district at year's end. On February 22, the Director of Public Prosecutions released a murder suspect who had spent 15 years on remand in Kumi district after withdrawing the charges against him. In February the Government reached an out-of-court settlement with Rajab Juma Rembe, who was detained in Lubiri barracks for 3 years in the early 1990's; in October Rembe received approximately \$5,600 (10 million shillings) as compensation. On May 29, four suspects who had been held in Bushenyi local administration prison for over a year were released for lack of evidence.

In November 1999, more than 400 prisoners held on charges of treason without trial since at least 1997 staged a protest at Luzira prison in Kampala. The prisoners

refused to return to their cells until they received assurances from the director of public prosecutions that their cases would be brought to court; all 400 were released by year's end.

In 1999 the Human Rights and Peace Center Prisons Project reported that 31 Congolese and Sudanese refugees were arrested in March 1997 on suspicion of aiding West Nile Bank Front (WBNF) rebels and detained without charge (see Section 2.d.). There were unconfirmed reports that authorities released the group in 1999.

There were no reported detentions of civilians in military barracks, and following pressure from local NGO's and media, the Government closed all unofficial, unregistered places of remand in 1999. There were reports that the DMI ordered prisoners held incommunicado in police station cells.

The Constitution does not prohibit forced exile; however, the Government does not use exile as a means of political control. In January the President signed an amnesty law covering all current and former rebels; the amnesty was extended for 6 months in July. Some former rebels returned to the country during the year to take advantage of the amnesty. Under the terms of the amnesty act, the Government released some persons convicted of treason and other suspects; however, by year's end the Government made only limited progress in implementing provisions in the act related to the repatriation and resettlement of former rebels.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the President has extensive legal powers that influence the exercise of this independence. The President nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The lower courts remained understaffed and weak.

The highest court is the Supreme Court, followed by (in descending order) the Court of Appeal (which also functions as the Constitutional Court for cases of first instance involving constitutional issues), the High Court, the Chief Magistrate's Court, and local council (LC) level 3 (subcounty) courts, LC level 2 (parish) courts, and LC level 1 (village) courts. A minimum of six justices may sit on the Supreme Court and the Court of Appeal or Constitutional Court. In addition there are a few specialized courts that deal with industrial and other matters. The Industrial Court (IC), which arbitrates labor disputes, is parallel structurally to the chief magistrate's court. There also is a military court system.

Although once considered a useful innovation, the LC courts often are thought to be sources of injustice due to such factors as bribery and male dominance in rural areas. The LC courts have authority to settle civil disputes, including land ownership and payment of debts, and criminal cases involving children. These courts, often the only ones available to villagers, frequently exceed their authority by hearing criminal cases, including murder and rape. LC court decisions may be appealed to magistrate's courts, but often there are no records made at the village level, and many defendants are not aware of their right to appeal.

The civilian judicial system contains procedural safeguards, including the granting of bail and the right of appeal to higher courts; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, have circumscribed the right to a fair trial for many years. The courts, like other branches of government, were impaired by a 4-year civil service hiring freeze, which was relaxed only somewhat in 1998. As a result, criminal cases may take 2 or more years to reach the courts. The case backlog in the High Court, which had increased every year since 1993, was eliminated largely by year's end. Attorneys working in the Office of the Public Prosecutor can be assigned several new cases each day. Some courts continued to observe the constitutionally prescribed limits on pretrial detention, but that practice was not widespread. All nonmilitary trials are public.

Many defendants cannot afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there is rarely enough money to retain adequate counsel. The Uganda Law Society operates legal aid clinics in four regional offices, although its services declined due to limited funding. It assists military defendants as well as civilians. The local chapter of *Federacion Internacional de Abogadas (FIDA)* and the *Foundation for Human Rights Initiative* also practice public-interest law from offices in Kampala. In 1999 the Law Development Center established a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also was established in 1999, but it did not receive any government funding. It relied solely on donor support.

The military court system does not assure the right to a fair trial. Although the accused has the right to retain legal counsel, military defense attorneys often are untrained and may be assigned by the military command, which also appoints the

prosecutor and the adjudicating officer. The sentence passed by a military court, which can include the death penalty, may be appealed to the High Command but not to the High or Supreme Courts. A court-martial appeals process was established in 1997.

The Government continued to arrest and charge persons for treason, especially captured rebel fighters, in numbers greater than the judicial system could manage. In the past, numerous human rights abuses were committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial places of remand, and mistreatment, including torture. There were reports that at times such abuses continued during the year. At year's end, prison officials put the number of those on remand on the charge of treason at 226, none of whom were children. Detainees included members of the Islamic Tabliq group suspected of supporting ADF rebels. The Government released treason convicts and suspects under the terms of an amnesty act signed by the President in January (see Section 1.d.). In November 1999, more than 400 prisoners held without trial since at least 1997 held a protest at Luzira prison; all 400 were released by year's end (see Section 1.d.).

There is one political prisoner. Bright Gabula Africa, whose death sentence for treason (plotting an armed coup) was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body that recommends whether presidential clemency powers should be exercised in a given case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, which the Government generally observes; however, there were some exceptions. The law requires that police have search warrants before entering private homes or offices, and the police generally observed this law in practice. Unlike in the previous year, there were no reports that the UPDF invaded private homes without warrants. LDU's arrested citizens without authority. The police sometimes searched vehicles without prior warrants. Prison officials routinely censored prisoners' mail.

The Government required that employees in the President's office register their political affiliation in writing (see Section 3).

Although fighting between government forces and the LRA continued, there were no reports during the year that government forces used threats to compel citizens to leave their homes because of the conflict.

Hundreds of thousands of persons remain internally displaced as a result of rebel activity and raids by Karamojong warriors (see Sections 1.g. and 2.d.).

Unlike in the previous year, there were no reports that the Sudan People's Liberation Army (SPLA), supported by UPDF forces, forcibly recruited Sudanese refugees in northern Uganda for service in Sudan.

Female members of the police force are required to obtain permission from the police Inspector General before marrying. Male police officers are not subject to the same restriction (see Section 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Reports of violations of humanitarian law increased in the north, and remained a problem in the west. While the number of reported violations by the Government decreased during the year, such violations by the LRA increased. In the north, government forces continued their policy of maintaining so-called protected villages with UPDF detachments nearby as a means of protecting civilians and denying support to the LRA. Although substantial NGO and donor community assistance has improved the overall conditions in the villages, conditions still remain poor. The Government failed to provide adequate security to the villages, which were the targets of rebel attacks.

There were reports that civilians were killed and injured during fights between UPDF forces and rebels. On June 6, several persons were killed during a battle between UPDF forces and LRA rebels near Okina and Laguti.

LRA attacks increased during the year, and there were numerous incidents of attacks on villages and displaced camps in which villagers were killed, injured, raped, or abducted (see Section 2.d.). In the north, forces of the LRA, led by Joseph Kony, continued to attack civilian targets, as well as refugee camps. During the year, attacks by the LRA resulted in approximately 175 deaths and numerous injuries and the destruction of homes and property. On March 5, LRA rebels attacked Padibe displaced camp in Kitgum, killing 12 persons, wounding 30, and burning 800 huts. On March 12, LRA rebels attacked Cwero protected village in Gulu and abducted 10 persons. On August 16, LRA rebels again attacked Cwero protected village, abducting one person. No new incidents of mutilation were reported.

The LRA abducted approximately 700 civilians, many of whom later were released. The LRA continued to abduct children and, at clandestine bases, terrorized

them into virtual slavery as guards, concubines, and soldiers (see Sections 6.c. and 6.f.). In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. NGO's estimated the number of abducted children still held captive by the LRA at 1,500; other estimates vary widely (see Sections 1.b. and 6.f.).

In the west and southwest, the ADF continued to attack civilian targets, trading centers, and private homes, resulting in hundreds of deaths, injuries, and abductions. The ADF killed at least 210 persons and abducted an estimated 30 children during the year (see Sections 1.a., 1.b., 1.c., 5, 6.c., and 6.f.). Since 1996 the ADF has abducted approximately 200 children, approximately half of whom remained missing at year's end.

Due to insecurity in northern areas of the country, the UHRC suspended its investigation into a 1998 incident in which UPDF forces, while combating suspected LRA rebels, reportedly killed 30 Acholi children abducted by the LRA in Ogor village, Kitgum district.

In January the President signed a 6-month blanket amnesty for rebel fighters. The amnesty was renewed for 6 months in July; however, by year's end, the Government only had begun to implement provisions in the amnesty act related to the repatriation and resettlement of former rebels.

There were no reports of new attacks by the WNBF, USF/A, CAMP, or Rwandan Hutu rebels (see Section 1.b.).

At year's end, approximately 610,000 citizens remained displaced internally by violence in the north, west, and northeast, according to the U.N. Office of the Coordinator for Humanitarian Affairs (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were instances in which the Government infringed on these rights. Police at times harassed journalists by holding them at police stations for several hours of questioning. On May 23, two Monitor reporters were briefly detained and questioned by the police after writing stories that speculated about government links to the Kanungu cult massacre (see Section 1.d.). In December the Government temporarily banned the regular opinion columns of four journalists with the government-owned New Vision newspaper due to past commentary critical of the Government; the columns of three of the journalists were reinstated 3 weeks later. The fourth journalist transferred to another paper.

Three editors of the Monitor newspaper were arrested in 1999 and charged with sedition and publication of false news in connection with a case in which a woman, Kandida Lakony, claimed to have been abused by the UPDF (see Section 1.c.). The editors were released and their case was pending before the courts at year's end.

The New Vision, a government-funded daily newspaper with a daily circulation of 35,000 (and up to 10 readers sharing each copy), and the government-controlled Radio Uganda, continued to play major roles in the media. These news sources were of a fairly high quality and sometimes included reporting critical of the Government.

The media generally are free and outspoken, with widespread availability of privately owned publications. The independent Monitor newspaper, with a daily circulation of 22,000, consistently was critical of the Government. The East African, a Nairobi, Kenya-based weekly publication that provides extensive reporting on the country, continued to circulate without government hindrance.

The Government controls one television station and Radio Uganda, the radio station with the largest audience. At year's end, there were more than 19 radio stations throughout the country. There were five local television stations and more than a dozen private television stations available via satellite. The number of independent media broadcast sources increased during the year. Several independent media outlets broadcast daily political talk shows in several languages, often very critical of the Government and individual officials, including the President. High-ranking officials often participated in these programs and debated issues with political opponents. There was no censorship of these programs.

On February 21, two journalists from the Voice of Toro radio station were arrested and charged with publishing false news stemming from an erroneous report of a rebel attack on February 15. On October 26, the Chief Magistrate's Court in Fort Portal dismissed the case due to lack of evidence.

Newspaper, radio, and television coverage, in particular coverage by state-owned media, of the June referendum favored Movement activities. Activities by opposition parties and efforts to promote the multiparty system received minimal coverage by any media (see Section 3).

The Press and Media Law, which took effect in 1995, requires journalists to be licensed and to meet certain standards, including holding a university degree. The law provides for a Media Council that can suspend newspapers and deny access to state information. Government officials have not enforced the law since its enactment.

Uncensored Internet access is widely available in major cities through three commercial service providers, although the cost for connectivity is prohibitive for all but the most affluent noninstitutional users. There also are over a dozen cyber cafes in Kampala and other cities, and several NGO's offer Internet access.

A considerable degree of academic freedom exists at the two public and six private universities. Students and faculty have sponsored wide-ranging political debates in open forums on campus.

Political education and military science courses known as "Chaka Mchaka" were suspended prior to the June referendum on political systems but resumed in August. These courses are criticized as indoctrination in Movement political philosophy. There continued to be reports that the techniques used in some of the courses included intimidation and physical and mental abuse. There also were reports that some instructors demanded payment for the courses, and unconfirmed reports that persons were coerced to take them, sometimes at gunpoint.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for some degree of freedom of assembly for non-political groups; however, the Government restricts this right in practice. The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital, and on several occasions police disrupted or prevented political demonstrations and other events; although the ban was intended to be replaced following the referendum, new legislation that would regulate political party activities had not been enacted by year's end. The Constitution also forbids other activities that would interfere with the Movement system, an elastic provision that the Government, in the past, has interpreted adversely to the detriment of political groups' interests. Permits are not required; however, groups are required to notify the police prior to public gatherings. Police denied permission to hold public rallies to several non-Movement groups during the year.

In February police in Bushenyi dispersed a seminar organized by the Free Movement, a political pressure group. On March 3, police in Kampala stopped a rally to campaign for a federal political system. On March 31, police and military police forcibly dispersed a rally in Mbarara held by Nasser Sebaggala, a candidate in the next presidential election (see Section 1.c.). On April 1, Sebaggala held another rally without police intervention to protest the referendum and to campaign. In April Sebaggala was banned from holding further rallies in accord with regulations banning all presidential campaign rallies until legislation governing the presidential elections was promulgated, which occurred on December 13 (see Section 3). On April 21, police beat and detained an UPC official for holding an unauthorized rally against the referendum on political systems (see Sections 1.c., 1.d., and 3). On June 3, police in Gulu prevented a meeting of the Uganda Youth Congress, the youth wing of the Uganda People's Congress. On June 25, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and released on bail. Their case was ongoing at year's end (see Section 1.c. and 1.d.). On June 27, police in Tororo stopped a referendum rally organized by advocates for a multiparty system. On July 15, police in Kampala stopped a rally organized by an UPC official. On August 4, police in Kampala dispersed a seminar convened by the youth wing of the National Democrat's Forum. On September 6, police in Kampala stopped a rally organized by the Democratic Party (see Section 1.c.). On September 16, police violently dispersed a meeting of the Uganda Young Democrats in Gulu, which resulted in several injuries (see Section 1.c.).

In the wake of the Movement for the Restoration of the Ten Commandments of God killings, local officials on several occasions dispersed meetings of religious groups (see Section 2.c.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. NGO's are required to register with the Nongovernmental Organizations Board, which includes representation from the Ministry of Internal Affairs as well as other ministries. The Government generally approved NGO registrations. On May 26, the Government registered the Uganda National NGO Forum, a broad consortium of domestic and international NGO's that had been refused registration for several years.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government forcibly disbanded several religious groups. Unlike in the previous year, there were no

reports that security officials harassed or detained Muslims. There is no state religion. Religious groups, like other nongovernmental organizations, must register with the Government. There were no reports that the Government refused to grant registration to any religious groups. Permits were necessary for the construction of facilities, including religious facilities. There were no reports that the Government refused to grant such permits to any religious organization. Mosques operated freely, Koranic schools were common, and Muslims occupied positions of authority in local and central government. Prisoners were given the opportunity to pray on the day appropriate to their faith. Muslim prisoners usually were released from work duties during the month of Ramadan.

Following the March 16 murders of more than 500 Movement for the Restoration of the Ten Commandments of God followers and the discovery of mass graves of approximately 500 other persons on properties in Kanungu belonging to the group, the Government launched investigations of numerous religious groups. Three groups were disbanded forcibly, and one religious leader was arrested. On March 29, former Rukungiri assistant resident district commissioner (ARDC) Rev. Francis Mutazindwa was arrested for failing to act on information about the activities of the Kanungu cult while he was the ARDC. He was released on bond on April 29, pending further investigation. In December the Government began an investigation into the killings; the investigation is scheduled for completion in June 2001.

In early April, following allegations that the church allowed youths to engage in sexual relationships, the deputy resident district commissioner closed the Revival Pentecostal Church in Nseko village, Kasangati. In mid-April police in Kasese district banned the activities of a church group based in Hima public school, Busongora. On May 19, the Bushenyi resident district commissioner ordered the closure of the Church of the Servants of the Eucharistic Hearts of Jesus and Mary, which allegedly was operating in the guise of a vocational school.

On May 2, five members of the Kisaaba Redeemed Church in Kayunga, Mukono district, were arrested and charged with causing the death of a church member whom they denied medical treatment. Two remained in detention in Njeru prison at year's end; the other members were released. The case still was pending at year's end. On May 30, five members of the Mulungumu Full Gospel Church in Luweero were arrested after reportedly telling their followers to fast and sell their property, the same message that had preceded the killings in Kanungu. At year's end, the five remained in custody at Luzira prison pending trial. On July 18, Wilson Bushara, leader of the World Last Message Warning Church, and 17 followers were arrested and charged with defilement, rape, abduction, and theft. On November 23, the Director of Public Prosecutions ordered that Bushara and his followers be transferred from the Buganda Magistrates' Court to Luweero where the offenses allegedly were committed. Their cases were pending before the Luweero district Magistrates' Court at year's end. On August 22, Patrick Bitungwabariho, a leader of the Movement for the Restoration of the Ten Commandments of God, appeared before court in Rukungiri district on charges of participating in an unlawful assembly, being idle and disorderly, and child neglect. Bitungwabariho remained in detention, and his case was ongoing at year's end.

In the wake of the Movement for the Restoration of the Ten Commandments of God killings, local officials on several occasions dispersed meetings of religious groups. On March 12, security officials in Mbale dispersed hundreds of persons who had gathered for an evangelistic event organized by the

Seventh-Day Adventist Church. On March 19, police in Kikinzi, Rukungiri district, dispersed a Seventh-Day Adventist Church baptism on the grounds that the church had not sought permission from the authorities to hold the event; however, there are no legal requirements that authorities must approve such church events. On March 28, police in Mukono dispersed a meeting of over 200 adherents of the Universal Apostolic Church for the Restless on the grounds that the church had not sought permission from the authorities to hold the event. On April 1, police dispersed an alleged cult gathering in Kikandwa, Mubende district, on suspicion that Movement for the Restoration of the Ten Commandments of God leader Joseph Kibwetere was hiding within the crowd.

Complaints by Muslim groups of government bias lessened during the year; however, the backlash from the death of over 1,000 citizens at the hands of a religious cult resulted in negative public attitudes towards fringe Christian groups and the Government's forcible disbanding of some groups. In 1998 approximately 100 Muslim men were detained and some were tortured, on suspicion that they supported rebel groups. Many of those detained were released (see Section 1.b.). There was no clear indication that religion was the sole factor in their arrests. The release of 53 Tabliq treason suspects in March and 28 in June resolved the issue of the whereabouts of unaccounted Muslim prisoners (see Section 1.d.).

Some local governments have restricted the hours of operations of religious organizations that are viewed as cults, for example, prohibiting nighttime prayer meetings. The Government largely has ignored calls for these churches to be shut down and their followers returned to mainstream churches.

There were reports from numerous human rights groups in the DRC that Rwandan troops, as well as various rebel factions, targeted Catholic clergy, both to intimidate the local population and in revenge for the Church's perceived role in the 1994 genocide in Rwanda. There also were reports from the DRC that some UPDF troops may have targeted clergy as well.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice, although there were some limits. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain her husband's written permission on her passport application if children are traveling on her passport (see Section 5).

Although fighting between government forces and the LRA continued, there were no reports during the year that government forces used threats to compel citizens to leave their homes because of the conflict.

Increased attacks by LRA rebels and Karamojong warriors have caused many Acholis to leave their homes for urban centers, displaced camps, and villages guarded by the UPDF (see Section 1.g.). It was estimated that approximately half of Gulu's population was in displacement camps or protected villages due to such attacks. At year's end, approximately 610,000 citizens remained displaced internally by violence in the north, west, and northeast.

There were no laws that provide for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government does grant such status in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. As it has done repeatedly in past years, the Government continued to provide first asylum as well as land for temporary resettlement to citizens from neighboring countries, extending this practice to approximately 214,000 refugees during the year. Over 90 percent of the refugees in the country are from southern Sudan; there also are small numbers of refugees from the DRC, Rwanda, and Burundi.

The Government failed to maintain adequate security in refugee camps during the year; large-scale attacks by rebel groups on some camps were reported (see Section 1.g.). For example, on July 24, LRA rebels attacked the Mongula refugee camp in Adjumani district killing 1 Sudanese refugee and abducting 30 others. On August 9, LRA rebels attacked Acholi-pii refugee camp in Kitgum killing three Sudanese refugees and abducting two others. On August 16, LRA rebels again attacked Acholi-pii, killing three refugees and abducting a child. On September 3, ADF rebels attacked Kyangwali Sudanese refugee resettlement camp in Buhaguzi county, Hoima district killing a woman and her child.

Unlike the previous year, there were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Movement domination of the Government and the political process, and some restrictive constitutional provisions, limited citizens' effective exercise of the right to change their government. The President dominates the Government, and Movement supporters remained in control of the Parliament, although the legislature continued to conduct business in an independent and assertive manner during the year. The 1996 presidential and parliamentary elections were peaceful and orderly, but election conditions, including restrictions on political party activities, led to a flawed election process. In June a national referendum on the role of political parties resulted in the indefinite extension of the Movement form of government. The referendum process was flawed by restrictions on political party activities and unequal funding.

The Government maintained, at government expense, the Movement Secretariat, an organization that roughly parallels government institutions and is limited to those professing support for the Movement. Political education and military science courses known as Chaka Mchaka were suspended prior to the June referendum on political systems, but they resumed in August (see Section 2.a.). The Government prohibited some non-Movement political gatherings, required that employees in the President's office register their political affiliation in writing (see Section 1.f.), and broke up numerous political meetings not sanctioned by the Movement (see Section

2.b.). The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening offices outside of the capital. A June referendum resulted in the indefinite continuation of these restrictions.

Newspaper, radio, and television coverage, in particular coverage by state-owned media, of the June referendum favored Movement activities. Activities by opposition parties and efforts to promote multiparty system received minimal coverage in any media (see Section 2.d.).

On November 28, the Parliament passed the Presidential Elections Bill, which governs the presidential election process; on December 13, the President signed the law. The law permits election campaigns to commence after the Electoral Commission has approved a candidate's nomination. The nomination review process was scheduled for January 2001.

Authorities at times harassed and arrested opposition politicians (see Sections 1.d. and 2.a.). On April 21, police in Mbale beat and detained a UPC official for holding an unauthorized rally against the referendum on political systems (see Sections 1.c. and 1.d.).

Universal suffrage is accorded to adults 18 years of age and older. The Constitution does not provide the right to vote to prisoners, and prisoners were not permitted to vote in the 1998 local government elections or in the June referendum.

The Constitution reserves 10 seats in Parliament for members of the UPDF, 5 seats for representatives of persons with disabilities, 5 seats for youth representatives, and 3 seats for representatives of organized labor. Individual parliamentarians who claim non-Movement party affiliation participate fully in the legislature.

Women are underrepresented in government and politics; however, they play an influential role in national affairs. The Government used quotas in an aggressive effort to place women in positions of authority. Women continued to make strong contributions in Parliament and inside the Movement. The Vice President is a woman, as are 5 ministers and 12 junior ministers in the President's 60-member Cabinet. In addition 39 of the nation's 45 districts selected a woman to fill a National Assembly seat reserved for women by the provisions of the Constitution. By-elections for female parliamentarians have not yet been held in six districts created in 1997. Women additionally won 6 nonreserved seats for the 281-member Parliament in the 1996 election.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous human rights groups are active. Among them are: The Foundation for Human Rights Initiative; a chapter of FIDA; the Prisoners' Aid Foundation, which monitors prison conditions; the National Organization for Civic Education and Election Monitoring, which deals with problems related to civil society and political rights; Human Rights Focus, based in the northern town of Gulu; the National Association of Women's Organizations of Uganda (NAWOU), an umbrella group; the International Federation of Human Rights; and the Human Rights and Peace Center, based at Makerere University. These groups operate without government restriction, investigating and publishing their findings on human rights cases. Hurinet, a human rights network and an umbrella organization for nine human rights organizations active in the country, also continued to be active.

The Uganda National NGO Forum, a broad consortium of domestic and international NGO's that has been refused registration for several years, was registered on May 26 (see Section 2.b.).

The Government allowed visits by international human rights NGO's, including Amnesty International and the ICRC. The Government also cooperated fully with the UNHCR.

Government officials generally were cooperative and responsive to NGO views. They frequently attended conferences and seminars hosted by NGO's on social problems. The Government continued to cooperate with NGO's on legal and prison reforms.

The Constitution established the UHRC as a permanent independent body with quasi-judicial powers. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and expanded its operations by opening a second branch office in Soroti district in September. The UHRC Human Rights Tribunal continued to function, and the headquarters received 1,108 complaints during the year, including some against senior government leaders and military and police officials; the Soroti office received 123 complaints and the Gulu office received 312. Of the 1,108 complaints received at headquarters, 654 were resolved; 202 were referred to the criminal courts; 344 were referred to other bodies, such as the Inspec-

tor General of Police, the Ministry of Labor, and the Ministry of Public Service; 27 were dismissed because they occurred before 1995; 33 were found not to be human rights violations; and 48 were resolved through mediation and intervention. At year's end, 59 cases remained under investigation, and 395 still were pending review. Of the 123 complaints received at the Soroti office, 16 were resolved, 27 were dismissed, and 80 were under investigation at year's end. The UHRC does not have the power to intervene in cases pending before a court. The UHRC inspected numerous detention facilities and publicly reported on its findings; on March 9, the UHRC released its 1998 report. The report cited abuses by security organs and condemned police corruption and inefficiency; it noted instances of denial of the right to assembly, and criticized involvement in the DRC. The President appoints the UHRC's eight-member board.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors; however, the Government does not enforce the law effectively in matters of locally or culturally accepted discrimination against women, children, people with disabilities, or certain ethnic groups. Race was not a factor in national politics. The continued instability in the north led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions.

Women.—Violence against women, including rape, remained common. According to U.N. statistics, 31 percent of women have experienced domestic violence. There were no laws that specifically protect women from battery or spousal rape, although there is a general law concerning assault. Some men of the Karamojong ethnic group in the northeastern section of the country continued their cultural practice of claiming unmarried women as wives by raping them. Between February and July, Karamojong warriors raped approximately 20 women during raids on neighboring districts in the northeast.

The Government continued trying to implement the Children's Statute, which provides extensive protection for families and children; however, implementation proved exceedingly difficult due to manpower and judicial constraints, and in reality, little was done to enforce the statute's provisions. Law enforcement officials, reflecting general public opinion, continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands. These problems continued to receive increasing public attention. Numerous women's rights NGO's sponsored conferences, empowerment sessions, and training programs throughout the country. On September 1, the Court of Appeal upheld the death sentence imposed by the High Court on the husband and brother-in-law of Renu Joshi, who was murdered in 1997.

Traditional and widespread societal discrimination against women continued, especially in rural areas, despite constitutional provisions to the contrary. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women may not own or inherit property, nor retain custody of their children under local customary law. Divorce law requires women wanting to prove adultery to meet stricter evidentiary standards. Polygyny is legal under both customary and Islamic law, and a wife has no legal status to prevent her husband from marrying another woman. In some ethnic groups, men also may "inherit" the widows of their deceased brothers. Women do most of the agricultural work but own only 7 percent of the agricultural land. There are limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

Unlike their male counterparts, female members of the police force are required to obtain permission from the police Inspector General before marrying (see Section 1.f.).

There are active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promote greater awareness of the rights of women and children. FIDA is in the final year of a 3-year project to draft proposed reforms of outdated and discriminatory laws, and the NAWJ continued to disseminate its guidebook on women's rights and options concerning domestic violence to women throughout the country.

Although prostitution is illegal, it is known to exist; however, there are no credible statistics available on the incidence.

An undetermined number of women were victims of abduction and rape by rebel forces (see Sections 1.c. and 1.g.).

Children.—Although it has devoted only limited funds to children's welfare, the Government demonstrated a commitment to improving children's welfare, particularly through its continuation of the Universal Primary Education (UPE) program. The program provides free education through the seventh grade for a maximum of four children per family, two girls and two boys; however, education is not compulsory. Key components of the UPE program include eliminating compulsory uniform requirements, providing free textbooks, eliminating fees imposed by schools, and the payment of Primary Leaving Examination (PLE) fees by the Government. Although some provisions had not yet been implemented fully by year's end, the UPE had increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio. Strained finances, instability in some areas, infrastructure problems, and inadequate teacher training have prevented full implementation. Although the UPE program makes education more accessible financially, parents still must pay for school supplies and some school costs. Approximately 93 percent of primary school-age children are enrolled in school. Since the implementation of UPE, primary school enrollment has increased from 2.9 million in 1996 to 6.5 million in 1999. Girls and boys theoretically have equal access to education, and lower grades are divided almost evenly by sex; however, the proportion of girls in higher school grades remains low since families traditionally have favored boys when making financially related educational decisions. Boys also are more likely to finish primary school and perform better on the PLE. In June the Government launched a national plan to promote the education of girls. Only 51 percent of adult women are literate compared with 75 percent of adult men. Parents' inability to afford schooling has correlated highly with the occurrence of child labor in rural areas (see Section 6.d.).

The Government has not yet implemented effectively the 1996 Children's Statute, which outlines broad protections for children. Government efforts to enforce the statute's provisions were hampered by the large proportion of the population that is below 18, manpower and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. It also includes concise provisions on the rights of the child, including a provision that a child shall not be made to work or take part in any activity, whether for pay or not, that is likely to injure the child's health, education, or mental, physical, or moral development. However, the Government has been unable to enforce prohibitions on child labor, particularly in the informal sector (see Section 6.d.).

Estimates placed the number of orphaned children (children missing either parent are considered orphans) at up to 1.7 million. This large number of orphans resulted from previous civil wars, the internal displacement of persons, and HIV/AIDS.

Ritual murders of children remained a problem during the year (see Section 5). For example, on August 17, police arrested Peter Ssempugu on suspicion that he beheaded a 15-year-old girl in Busiro County, Mpigi district, on July 20. In December a 13-year-old girl reportedly escaped after she was drugged and abducted for a ritual sacrifice.

Child abuse remained a serious problem, particularly the rape of young girls (known locally as "defilement"). Only a small fraction of these incidents is reported, especially when the perpetrator is a family member, neighbor, or teacher—as is often the case. During the year, there were 4,209 reported cases of defilement, an increase from 2,637 in the previous year; 2,410 of the cases were investigated, and 2,317 arrests resulted from such investigations. Increasing numbers of accusations reached the courts, although neither conviction nor punishment was common. Cases were reported frequently in newspapers, but a payment to the girl's parents often ended the matter. Despite these obstacles, an increasing number of cases were being prosecuted. While defilement carries a maximum sentence of death, that punishment has never been meted out to a convicted rapist. Defilement applies to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The marriage of young girls by parental arrangement is common, especially in rural areas.

Most schools use corporal punishment, although in 1997 the Government banned the beating of secondary school students. There were no developments in the June 1999 case of Peter Masanja, who died after a beating by the Kakungulu Memorial Islamic Institute's director, Hamidulah Llukwago. The Government has not released details of the investigation of a 1996 case in which a teacher in Masaka beat to death a 15-year-old student. It is unknown if the investigation has been completed; however, it is likely that it has been suspended.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by the Sabiny tribe, located in the highly rural Kapchorwa district in the east, and by the Pokot tribe (also known as the Upe), which spans the remote northeastern border with Kenya. There are approximately 10,000 Sabiny and approximately 20,000 Upe who live in the country. Among the Sabiny, initiation ceremonies involving FGM have been carried out every 2 years. Such a ceremony was held in 1998, and an NGO based in Kapchorwa registered 965 females who were subjected to FGM during that year. In December there were reports that approximately 121 Pokot girls and 621 Sabiny women and girls, a decrease of 223 from 1998, had been circumcised during the biannual ceremony. An international human rights NGO offered cattle, goats, and money for scholarships to Sabiny parents who do not allow their daughters to be circumcised during this year's ceremony. There is no law against the practice, but the Government and women's groups working with the U.N. Population Fund continued to carry out programs to combat the practice through education. These programs have received strong government support and some support from local leaders. The programs emphasize close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem throughout the year.

The Children's Statute provides that children with disabilities be treated and given necessary special facilities—a provision hampered in execution by inadequate funding.

The legal recruitment age for military service is 18 years; however, in practice, some recruiters have allowed 17-year-olds to enlist.

The UPDF detained LRA child soldiers at Gulu military barracks for several months. There were reports that the military used the children to help find LRA landmines and arms caches (see Sections 1.d. and 6.c.).

There were reports from the DRC that UPDF and Rwandan troops, in addition to RCD rebels, reportedly abducted many young women from the villages they raided. These night raids on villages became so frequent that in many parts of the Kivu Provinces peasants slept in their fields.

The ADF and LRA abducted many children, using them as guards, laborers, soldiers, and, in the case of the LRA, for forced sex (see Sections 1.g., 6.c., and 6.f.).

People with Disabilities.—The Constitution provides that persons with disabilities have “a right to respect and human dignity” and requires that authorities take appropriate measures “to ensure that they realize their full mental and physical potential;” however, despite this provision, there was no statutory requirement for government services or facilities, such as accessibility of buildings for the disabled. Most buildings have one story, but in larger towns with multistory buildings, there often are no elevators; even where they do exist, they rarely are reliable. Widespread discrimination by society and employers limits job and educational opportunities for those with physical disabilities. In 1998 the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Gender, Labor, and Social Development; however, these bodies and positions have little funding to undertake or support any initiatives.

Religious Minorities.—There are amicable relations between the various religious communities, and no religious group actively impinges upon the right of others to worship. However, the backlash from the death of over 1,000 citizens at the hands of a religious group resulted in negative public attitudes towards fringe Christian groups. Some officials of “mainstream” Catholic, Protestant, and Muslim religious organizations have called for the closure of Christian churches that are viewed as cults.

National/Racial/Ethnic Minorities.—Civil strife in the north led to the violation of the rights of members of the Acholi tribe, which is largely resident in the northern districts of Gulu and Kitgum. Both government forces and the LRA rebels—who themselves largely are Acholi—committed abuses. LRA fighters in particular were implicated in the killing and kidnapping of Acholi tribe members (see Section 1.g.), while the UPDF record in the north continued to improve markedly. Abuses were inflicted upon members of the Bakonjo tribe in the west at the hands of ADF rebels, including ethnic Bakonjo.

Between February and July, raids by Karamojong warriors on neighboring districts in the northeast resulted in approximately 100 deaths. The raids may have exacerbated ethnic tensions in the northeast (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of every person to join workers' associations or trade unions, and the law allows unionization if a majority of the work force supports it; however, in practice the Government re-

spects the right to form unions, although it has not responded yet to a 1997 application for registration by the Uganda Allied Teachers' Union. Since 1993 the right to form unions has extended to civil servants. However, many "essential" government employees are not permitted to form unions; these include police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government has failed to enforce the rights of some employees to join unions in newly privatized industries and factories. Organized labor has three reserved parliamentary seats.

The National Organization of Trade Unions (NOTU), the largest labor federation, includes 17 unions and is independent of the Government and political parties. Among its members are medical workers, including doctors, and the civil service union. The NOTU's influence on the overall economy remains small, since about 90 percent of the work force are peasant farmers. Even in areas in which cash crops are significant, unionization has remained practically nonexistent. NOTU membership has declined steadily from some 500,000 in the 1970's to about 100,000.

The Constitution confirms the right to strike; however, government policy requires that labor and management make "every effort" to reconcile labor disputes before resorting to strike action. This directive presents unions with a complicated set of restrictions. If reconciliation does not appear to be possible, labor must submit its grievances and notice to strike to the Minister of Labor, who usually delegates the dispute to the Industrial Court (IC). In previous years, in the absence of verdicts from the IC, the Minister of Labor generally did not permit strikes, on the basis that "every effort" had not been exhausted. Frustrated laborers often went on strike anyway, protesting credibly that they were not paid a wage adequate to live on.

On January 24, 3,000 workers at Century Bottling Company went on strike over nonpayment of salaries and poor working conditions. They returned to work the following day after reaching an agreement with management. On January 25, employees of Ugma Engineering Corporation went on strike over nonpayment of salaries but ended their strike after management agreed to pay them. On February 10, clearing and forwarding agents in Malaba, the main entry point for goods from Kenya, went on strike in protest against corruption on the part of customs officials. They returned to work the following day after senior revenue authority officials promised to address their concerns.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, specifying that a workplace may be unionized if a majority of the employees supports doing so; however, true collective bargaining takes place only in the small private sector of the modern economy. In the modern sector, the Government is by far the largest employer (civil service and state-owned enterprises), and it dominates the bargaining process. The Government has adopted a tripartite (government-employers-labor) cooperative approach to setting wages and resolving labor disputes. Both the Government and employers may refer disputes to the IC. The law does not prohibit antiunion discrimination by employers; however, there were no reported incidents of government harassment of union officials. Unionization continued to be blocked effectively by some industries, especially in the textile, hotel, and construction sectors. Labor organizers complained that laws requiring a minimum of 1,000 persons in order to form a union hindered their activities. The Government took only limited action on organized labor complaints, but pointed out that the refusal to allow unionization is a constitutional violation. On February 14, 21 workers of the Nytil Picfare textile factory were dismissed in connection with a strike earlier in the month designed to unionize the work force and raise salaries. The Ministry of Labor subsequently entered into negotiations with Nytil Picfare to resolve the issue; however, the company went into receivership and negotiations were suspended.

In 1999 the Uganda Textile, Garments, Leather, and Allied Union filed a complaint against the Government with the International Labor Organization (ILO) for failure to support the attempts of workers in the textile sector to exercise their right to freedom of association. The complaint still was pending at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including forced or bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively. There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where often they were overworked. Throughout the country, prison officials routinely augmented their meager pay with crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners

perform manual labor, often 12 hours per day (see Section 1.c.). Compensation, when paid, generally was very low, although the law demands that pretrial detainees must receive back pay for all work that they have performed once they are released (see Section 1.c.).

The UPDF detained LRA child soldiers at Gulu military barracks for several months. There were reports that the military used the children to help find LRA landmines and arms caches (see Sections 1.d. and 5).

Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults, whom the ADF and LRA terrorized into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves (see Sections 1.b., 1.g., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employers from hiring workers below the age of 18; however, child labor is common, especially in the informal sector. The Ministry of Gender, Labor, and Social Development is charged with enforcing the law on child labor, but it has limited financial means to do so. Part of the problem is demographic, because half of the population is under 18 years of age. School fees have made it impossible for some parents—particularly poor farmers, the majority of the population—to provide their children with an education in spite of the Government's UPE program (see Section 5). As a result, there is an incentive to leave school and go into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a common situation throughout the country. The problem is acute particularly among the large orphan population. Nevertheless, according to the Ministry of Education, 93 percent of primary school age children are enrolled in school.

Most working children are employed in the informal sector, often on the subsistence farms of extended family members or as domestic servants. In urban areas, children peddle small items on the streets, are involved in the commercial sex industry (particularly in border towns and in Kampala), or beg for money. Although adults do most tea harvesting, some children were employed in this sector as well. Some of the country's orphans engage in labor activities.

It is estimated that 60 percent of all land-based trade in the country is informal. Smuggling is one of the larger informal industries, and employs large numbers of child laborers at the borders with Kenya and Tanzania. Children walk back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

Government efforts to decrease the incidence of child labor were boosted by a \$1.5 million grant in 1998 from the ILO's International Program for the Elimination of Child Labor (IPEC). The IPEC program was launched in 1999, and, by the end of the year, it had launched projects to eliminate child labor in the sugar and rice-growing industries as well as a public awareness campaign. Government officials acknowledged that for the IPEC to be implemented, continued judicial and law enforcement reform were needed. The Ministry of Gender, Labor, and Social Development established a National Steering Committee on Child Labor and a Child Labor Unit to develop a national policy to eliminate child labor; however, such a policy was not developed by year's end.

The law does not prohibit the worst forms of child labor, nor does the Government have a mechanism to address this problem. However, several human rights NGO's began programs aimed at removing children from hazardous work. No reports about the efficacy of these efforts were available at year's end. In October consultants working for the Ministry of Gender, Labor, and Social Development reviewed four labor laws and created draft legislation consistent with ILO Convention 182; however, no action had been taken on the legislation by year's end.

The recruitment age for military service is 18 years; however, in practice, some recruiters have allowed 17-year-olds to enlist (see Section 5).

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively (see Section 6.c.). The ADF and LRA abducted children and terrorized them into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves.

e. Acceptable Conditions of Work.—The minimum legal wage is \$3.50 (6,000 shillings) per month, a rate set in the early 1960's. This wage is insufficient to provide a decent standard of living for a worker and family. Wages continued to be determined through negotiation between individuals and their employers, unions, and proprietors, or through negotiation within the boards of directors at state-owned industries. Salaries usually are augmented by other benefits such as housing and transport allowances, which often are equal to base wages. The Ministry of Labor's salary scale for civil servants starts with unskilled labor at \$44 (75,000 shillings) per month, up to supervisors at \$350 (600,000 shillings) per month, plus modest increases for years worked. All include provisions for paid overtime. The higher end

of this wage scale would provide minimal standards of living for a worker and family, but most civil servants have great difficulty earning enough money to pay their children's school costs. Many civil servants and their dependents work in second jobs, grow their own food, or seek other ways to supplement their incomes. In industries that employ workers on an hourly basis, the normal workweek was 40 hours. Although there was no legal maximum workweek, a time-and-a-half rate was paid for each additional hour worked. Many industries pay workers by piecework, which avoids overtime and circumvents the prohibition on child labor. Many companies employ workers as "casual laborers" or "contract workers" in order to avoid providing benefits.

The condition of employee housing on the tea and sugar plantations at the major state-owned corporations, and within military and police barracks, was substandard. Sanitation and water facilities often are lacking.

Building codes often are not enforced. Some structures have tripled in height above the original foundations, leading local engineers to express reservations about the structural integrity of these workplaces. Factories generally are sound, but machinery almost always lacks safeguards.

Vestiges of occupational health and safety legislation are contained in the outdated Factories Act of 1954 and the Employment Decree of 1975. In September the Government enacted the Workers' Compensation Act, which replaced legislation dating to 1964. The act significantly increased compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Labor's Department of Occupational Health is responsible for enforcement of occupational safety regulations; however, in practice inspections are rare, due primarily to lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects at a rate of approximately one per month. The limited occupational safety regulations under the Workers' Compensation Act do not protect workers who refuse to perform dangerous work from being fired, although strong unions in certain dangerous industries protect such workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, within, or through the country. There is strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked (see Section 6.c.).

Molo Songolo, a South African child rights organization, reported that children were trafficked from the country to South Africa during the year; however, the credibility of the report is unknown. The children allegedly were abducted or bought from their parents by organized gangs from Nigeria, DRC, and Angola.

Unlike in the previous year, there were no reports that the SPLA, supported by UPDF forces, forcibly recruited Sudanese refugees in northern Uganda for service in Sudan.

Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults whom the ADF and LRA terrorized into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves (see Sections 1.g., 5, and 6.c.). As many as 1,500 Ugandan children abducted by the LRA were held in the southern part of Sudan; the Government of Sudan actively supports the LRA. In past years, the LRA also reportedly sold and traded some children, mostly girls, or provided them as gifts to arms dealers in Sudan.

In December 1999, in Nairobi, Kenya, the Governments of Sudan and Uganda signed an accord agreeing, among other things, to cease supporting rebel groups and to return abductees. The Sudanese Government returned a number of LRA captives who had previously escaped LRA captivity during the year; however, the Sudanese Government did not free any abductees still held captive by the LRA.

The CID is mandated to combat trafficking. The CID did not keep records on the magnitude of the problem, and it was unknown if its efforts have been effective.

ZAMBIA

Zambia is a republic governed by a president and a unicameral national assembly. After two decades of one-party rule, free and fair multiparty elections in November 1991 resulted in the victory of the Movement for Multi-Party Democracy (MMD) and the election of President Frederick J.T. Chiluba, a former trade unionist. In November 1996 elections, President Chiluba was reelected, and his party won 131 of 150 seats in the National Assembly. Constitutional amendments enacted in May 1996 disqualified the former President, Kenneth Kaunda, the main opposition leader, from seeking the presidency, prompting his United National Independence Party (UNIP) to boycott the elections. The MMD's use of government resources, including

the state-owned media, put the fairness of the elections into question, although, despite some voting irregularities, there was no evidence of substantial or widespread vote rigging or vote counting fraud. The Constitution mandates an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. Police action was politicized in the delivery of authorizations for public gatherings. The Zambia Intelligence Security Service, under the Office of the President, is responsible for intelligence and internal security. Police continued to commit numerous, and at times serious, human rights abuses.

The Government continued its free market economic reform program including privatization of the large copper parastatal. However, negative economic performance, including stagnation and increasing inflation continued. Balance of payments support by foreign donors has resumed as a result of greater government attention to governance issues and the privatization of the mines. Approximately 80 percent of all citizens live in extreme poverty.

The Government's human rights record was generally poor; although the Government took steps to address some human rights problems, serious abuses continued in several areas. Citizens' right to change their government was restricted in the 1996 national elections, the last time national elections were held. Police committed an extrajudicial killing. Police officers routinely beat and otherwise abused criminal suspects and detainees. The lack of professionalism, investigatory skill, and discipline in the police force remain serious problems, and officers who commit such abuses do so with impunity. Prison conditions are harsh and life threatening. A government commission of inquiry, established in 1998 to investigate the alleged torture during detention of suspects in a 1997 coup attempt, completed its work in June and submitted its report to President Chiluba; however, the results of the investigation were not released to the public by year's end. Arbitrary arrests, prolonged detention, and long delays in trials remain problems. Police infringed on citizens' privacy rights. The Government's record on press freedom was mixed. The Government infringed on freedom of the press and continued to control two of the country's three daily newspapers. The Government restricted freedom of assembly and association and in a few instances limited freedom of movement. Human rights and civic organizations and political parties continued to complain of government harassment. Violence against women remained widespread. Women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse is a problem. Discrimination against the disabled is a problem. Child labor is a problem in rural subsistence occupations and some urban occupations. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government officials during the year; however, police committed an extrajudicial killing. In November, Kelvin Mushabati and Geoffrey Michelo died of suffocation after a police officer threw a tear gas canister into their prison cell. The police officer who was responsible for the killing was charged with murder; he remained in detention pending a trial at year's end.

The conflict in Angola periodically led to armed attacks within the country's territory, which resulted in civilian deaths; at least one of these armed attacks was perpetrated by Angolan government soldiers. On April 25, Angolan government soldiers reportedly killed two civilians during a confrontation with Zambian troops inside Zambian territory.

A large number of prison inmates died due to illness and harsh conditions (see Section 1.c.).

On September 8, a High Court judge sentenced a Mazabuka police officer to three years in prison with hard labor and fined two other officers for the 1999 death of Bernard Chinkuli in police custody.

In March 1999, Khondwani Musukwa died in police custody, apparently as a result of torture. No action was taken against the officers responsible for his death by year's end. In July 1999, Sailas Mabvuto Lungu reportedly was beaten to death by a police constable who suspected him of driving a stolen vehicle. The officer was in detention and awaiting trial at year's end. In August 1999, a pregnant woman died in police custody, reportedly as a result of police abuse. No action was taken against the officers responsible for her death by year's end.

In May 1998, seven police officers of Mindolo police station in Kitwe were arrested in connection with the death in custody of Steward Mwantende. The police officers were arrested, tried, and in April were acquitted.

In August an official inquiry into the 1998 death in detention of Bertha Mungazila was opened. On September 7, the inquiry was completed; a coroner determined that Mungazila died as a result of torture and called on the Inspector General of Police to arrest the officers on duty at the time of her arrest. On September 12, a docket against the three officers was opened, and the three were arraigned on manslaughter charges within 24 hours; the trial began in October and was ongoing at year's end.

On November 3, 1999, four gunmen shot and killed Wezi Kaunda, the son of former President Kenneth Kaunda, during an apparent car-jacking in Lusaka. The Government permitted forensic specialists and a team of advisors from Scotland Yard to participate in an investigation in response to a request from the Kaunda family. Two suspects were arrested. During their trial, one of the suspects claimed that the MMD was responsible for the killing; however, a letter reportedly written by the suspect alleged that several UNIP officials were responsible. The trial was ongoing at year's end.

In August three civilians reportedly were killed by Congolese rebels who had crossed into the country to steal food.

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Sections 6.c. and 6.f.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police regularly used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, detaining officers beat suspects and generally were not disciplined or arrested for such acts.

In January police arrested Shadreck Selemani on suspicion of involvement in the theft of roofing materials. Selemani was held without charge for 2 days, during which time police beat him repeatedly.

In April Hendrix Mbumwai was held without charge by officers at the Los Angeles police station for 6 days, during which time police beat him.

On August 30, police were deployed to the University of Zambia in response to demonstrations on the previous day that resulted in injuries and damage to private property. Police severely beat a number of students and forced them to roll in mud and sewer water and to jump around. At least 13 students were injured; 11 required medical treatment for their injuries. Although a local non-governmental organization (NGO) alleged that police raped five female students during the deployment, no female students claimed sexual abuse by police in the incident. Although only a small portion of the student population participated in the August 29 demonstrations, the police actions were directed against the entire student body. No action was taken against the officers responsible for the abuses by year's end.

In November two detainees died of suffocation when a police officer threw a tear gas canister into their cell (see Section 1.a.).

In September 1999, Dave Wanjeke, a retired soldier, was held without charge and tortured in police custody. In February a judge of the High Court criticized the Government for abusing Wanjeke's rights; however, there was no further action taken on this case by year's end.

In September 1999, officers of the Emmasdale police station beat Benson Mwale repeatedly on the buttocks; subsequently, he required medical attention for severe lacerations. In September 1999, a file on the incident was opened by the Permanent Human Rights Commission (PHRC). A police spokesman stated that it would punish all officers involved in the incident. Later in September 1999, a "docket of complaint against police" was opened to investigate the matter. This docket allows the public to raise complaints against a police officer so that legal procedures can be initiated. The investigation was ongoing at year's end.

There was no further action on the case of Cedrick Phiri, who was beaten by police while he was detained overnight in June 1999.

There was no further action on the case of the young man who was detained and beaten in police custody at the Woodlands Police Station in Lusaka in March 1999.

In response to pressure from the PHRC, foreign governments, NGO's, and other human rights organizations, in May 1998, the Government agreed to initiate an independent inquiry into the torture claims of seven persons detained during the October 1997 coup attempt. (Early in 1998, one of the alleged torturers had been promoted.) In August 1998, the Government established a commission of inquiry made up of treason trial judge Japhet Banda and Lusaka principal resident magistrate Gertrude Chawatama. The torture inquiry began after the treason trial con-

cluded on September 17, 1999. The commission completed its work and submitted a report to President Chiluba on June 21. By year's end the report had not been publicly released, and the President had not responded to the report.

In 1999 the Government promised to institute measures to monitor and reform police operations to ensure that civil liberties are protected. It further directed the police, prisons, and immigration departments to intensify human rights training among their officers, which has been part of their basic training since 1997. Although the training of new recruits continued during the year, there was greater training within the police force. The Government took no action on its statements in 1998 that it would amend the Police Act to provide for the establishment of a police authority to which members of the public could channel complaints pertaining to police harassment and abuse.

The lawsuit filed in 1999 by Dean Mung'omba claiming torture during detention in 1997 was ongoing at year's end.

Police corruption is also a problem. There were a handful of unconfirmed reports that police would release prisoners in exchange for bribes of between \$65 and \$95 (200,000 to 300,000 kwacha). Citizens in private debt disputes often are detained by police in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks (see Section 2.d.) or required document processing "fees" or gas money in order to commence investigations. In July the Inspector General of Police instructed police throughout the country to reduce roadblocks by half in an effort to reduce the opportunity for corruption, and there was a reduction in the number of roadblocks by year's end. Police action was politicized in the delivery of authorizations for public meetings (see Section 2.b.).

The police investigate instances of police use of excessive force and have disciplined officers found to have committed human rights abuses. Such investigations generally are prolonged, and outcomes are not readily apparent. Middle ranking and senior officers are enrolled in human rights training seminars at the police academy. A number of police officers are the subject of internal investigations and prosecutions. Authorities arrested some police officers on such criminal charges as murder and robbery. For example, in November one police officer was arrested and charged with killing two persons (see Section 1.a.). Senior government officials acknowledge the problem of police abuse and have requested foreign donor assistance in the form of training for the police. In May the Government announced its intention to create a national forensic laboratory to provide the police with resources for professional investigations. In 1999 the High Court issued a decision banning corporal punishment in the country. The court system undertook efforts to ensure that this ban was upheld during the year. In April the Chief Administrator of the High Court publicly reminded magistrates of their obligation to uphold the ban on corporal punishment and held a meeting with prison officials to reinforce the ban. During the year, one magistrate attempted to sentence a defendant to corporal punishment, but the chief administrator of the High Court prevented the implementation of the sentence.

Groups of National Union for the Total Independence of Angola (UNITA) deserters have entered the country and seized food and goods by force from villages. On at least two occasions, they have forced young men and women to accompany them back to Angola (see Section 6.f.).

Prison conditions are harsh and life-threatening. According to official statistics, prisons designed to hold 6,000 prisoners held over 12,000. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. In a report submitted to Parliament in 1996, the Commissioner of Prisons said that 975 prisoners had died in prison between January 1991 and December 1995 due to illness and harsh conditions. The death rate of prison inmates remained about the same during the year. The Commissioner of Prisons has submitted no further such reports since 1996. In March 1999, the Commissioner of Prisons attributed the serious overcrowding in prisons to the slow pace at which the courts dispose of cases. The commissioner noted that some cases have been pending since 1991.

In March 1999, the Magistrates and Judges' Association of Zambia expressed its intention to undertake efforts to release all eligible detainees on bail in order to reduce prison congestion. According to the Association, Kamwala Remand Prison in Lusaka contained 636 inmates, although it had been designed to hold only 200.

In July 1999, the PHRC announced that it would employ prison inspectors to ensure that inmates are kept in habitable environments. The PHRC submitted a request to the Ministry of Finance for funds to support the creation of prison inspector positions, but did not receive funding by year's end.

The Government generally permits prison visits by both domestic and international monitors and by resident foreign diplomats. Provincial human rights committees periodically inspect prison conditions. A number of foreign diplomats conducted prison visits during the year; however, there were no visits by international monitors at year's end.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Criminal suspects often are arrested on the basis of flimsy evidence or uncorroborated accusations. Unlike in previous years, there were no reports that family members or associates of criminal suspects were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects during the year. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours. Attorneys and family members are allowed access to pretrial detainees. In practice the authorities hold most detainees for more than 1 month from commission of an offense to first appearance before a magistrate. In many cases, an additional period of 6 months elapses before a magistrate commits the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court takes months, or in some cases as long as a year. Once a case reaches the High Court for trial, court proceedings last an average of 6 months. Part of the reason for this delay is a shortage in the number of professional magistrates: out of 72 potential positions, only 22 are filled.

Pretrial detention often is prolonged. Approximately 2,000 of 12,000 detainees were awaiting trial on criminal charges in 1999. Approximately 1,288 of 2,251 detainees were awaiting trial in the Lusaka region by year's end. In some cases defendants have been awaiting trial for as long as 4 years. There was some progress in holding trials; in past years, some defendants had waited as long as 10 years for their trials. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments. The High Court Commissioner can release detainees if police fail to bring the case to trial, although that did not occur in any case during the year.

Although there is a functioning bail system, overcrowded prisons reflect in part the large number of detainees charged with serious offenses for which bail is not granted. These include treason, murder, aggravated robbery, and violations of narcotics laws. There were no cases of constitutional bail. Indigent detainees and defendants rarely have the means to post bail. The Government's legal aid office is responsible for providing legal aid representation for indigent detainees and defendants in criminal or civil cases. In practice few receive assistance. The office had 9 attorneys and a budget of \$183,000 (576,000,000 kwacha) during the year to cover the entire country.

Police stations frequently become "debt collection centers," where police officers acting upon unofficial complaints detain debtors without charge, indefinitely, until they pay the complainants. In return the police receive a percentage of the payments (see Section 1.c.). A police constable was convicted and sentenced to 3 years' imprisonment with hard labor for abuse of office in one such case. The conviction, handed down in January, was in response to events that occurred in 1996.

A prominent elections NGO reported that four opposition cadres were arrested in January for shouting anti-MMD slogans during an election campaign. The arrests reportedly were ordered by a deputy minister. The four were held for a few hours and charged with conduct likely to cause a breach of the peace. The case was still pending at year's end.

In January presidential candidate Anderson Mazoka was arrested and detained on charges of holding an illegal meeting after he obtained a permit to convene an informal dinner (see Section 2.b.).

On July 15, a Member of Parliament (M.P.) was arrested for unlawful assembly relating to a meeting held with constituents in his home a month earlier; he was released without charge (see Section 2.b.).

On August 30, police detained approximately 300 students at a stadium following a demonstration the previous day (see Section 1.c.). The students were released after 24 hours in detention.

In February Alfred Zulu, a prominent human rights activist was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations (see Section 4).

May 1999, Donald Phiri was taken into police custody during an unauthorized police search for weapons at his father's home. The search allegedly was intended to locate arms. Phiri's father complained that he was unable to determine his son's

whereabouts for several days after he was taken into custody. Phiri was charged with murder in September 1999; the case was ongoing at year's end.

In August 1999, Imasiku Mutangelwa, the leader of a small organization known as the Barotse Patriotic Front (BPF), was sought by police for questioning after he made statements supporting a separatist rebellion in Namibia. Later the same month, Mutangelwa sought asylum in the residence of the South African High Commissioner, but his request was denied. Mutangelwa subsequently was arrested and charged with belonging to an unlawful society. The case against him was referred by the Magistrate's Court to the High Court, but had not yet been heard by year's end.

The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. There were 199 illegal immigrants being held in detention in Lusaka by year's end.

The 1996 case involving the indefinite incarceration of three newspaper reporters on charges of contempt of the House remains pending. Although the High Court quashed the sentences, the Government has appealed the case, seeking to reinstate the detention of the reporters. The appeal still is pending, although two of the three reporters have died (See Section 2.a.).

The Government does not use exile for political purposes; however, it has used deportation and the threat of deportation for political purposes against persons whose claims to citizenship it has refused to recognize. In January the Government deported Majid Ticklay after he wrote a letter that was published in the *Post* publicly urging the Asian community to unite behind one political party (see Section 3).

During the year, a number of citizens remained in self-imposed political exile in foreign countries, including: Liberal Progressive Front President Dr. Roger Chongwe, in Australia; Zambia Democratic Congress General Secretary Azwell Banda, in South Africa; former editor of the defunct newspaper, *Confidential*, Reverend Steward Mwila, in South Africa; and former President Kaunda's daughter, Catherine Mwanza, in South Africa.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which holds regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases, while local, or customary, courts handle most civil and petty criminal cases in rural areas.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating, and there are few formal rules of procedure. Presiding judges, who are usually prominent local citizens, have great power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often are not in accordance with the Penal Code. For example, they tend to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts are public, and defendants have the opportunity to confront their accusers and present witnesses. However, many defendants are too poor to retain a lawyer, and the poor state of the Government's legal aid department means that many citizens entitled to legal aid find that it is unavailable. Courts are congested and there are long delays in trials while the accused are in custody. The Magistrates and Judges' Association made an effort to expedite the process of court appearances during the year by setting up a fast-track court that could quickly hear minor, uncomplicated cases.

Courts continued to act independently and at times made statements critical of the State. In February a judge of the High Court criticized the Government for abusing the rights of retired soldier Dave Wanjeke. Wanjeke was held without charge and tortured in police custody in September 1999 (see Section 1.c.).

In August the National Assembly passed a bill that amends the State Proceedings Act. The act currently provides that once leave to apply for a judicial review has been granted, there is a stay on any decisions by State or public officers relating to the matter. The amendment would not allow the start of any judicial review process to act as a stay on the Government's decision. Opposition parties, NGO's, civil society, and some members of government have expressed concern that the amend-

ment would remove citizens' legal recourse in the event of abuse by the Government. President Chiluba did not sign the bill, which lapsed at year's end.

Appeals in the cases of 59 military personnel detained during a 1997-98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for respect for privacy and the inviolability of the home; however, the authorities did not always respect these rights in practice. The law requires a warrant before police may enter a home, unless a state of emergency is in place. Police routinely ignored this requirement and often arrested alleged criminals at their homes without first having obtained an arrest warrant. The Constitution grants the Drug Enforcement Commission and the Zambian Intelligence Security Service authority to wiretap telephones for probable cause. In 1996 the Inspector General of Police admitted in open court that he had ordered the illegal wiretaps of the telephones at the offices of the Post, an independent daily newspaper. The case still was pending at year's end. There were no confirmed reports of wiretaps during the year; however, the opposition alleged that the Government wiretapped their telephones.

In March Oswald Mutapa, a retired Assistant Commissioner of Police, was evicted from his house in March on orders from the Inspector General of Police. The eviction took place in spite of a court order barring eviction until a legal dispute between Mutapa and the Government was resolved. In June Mutapa won the court case and returned to his house.

Unlike in the previous year, there were no reports that police detained and abused relatives and associates of suspects during the year.

In May 1999, police raided the home of the president of the World Baptist Evangelical Association, Reverend Bwanali Phiri, without a warrant (see Section 1.d.). The police took Phiri's son and two tenants into custody. Phiri's tenants were released, but Phiri was detained for 4 months without charge, then charged with murder. The case still is pending (see Section 1.d.).

Roundups of suspected illegal aliens in the home or workplace continued. According to the Government's Commissioner for Refugees, immigration officials are empowered under the law to conduct these roundups without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While the Constitution provides for freedom of expression and of the press, the Penal Code lists various prohibited activities that may be interpreted broadly to restrict these freedoms, and the Government infringed on press freedom. Overall, the Government's record on press freedom was mixed during the year. Over the past several years, in response to headlines and stories of alleged corrupt practices on the part of government officials, the Government, accused officials, and other individuals have brought numerous libel actions against the Post newspaper. There are currently more than 80 cases filed over the course of the last 5 years waiting to be adjudicated. The number of pending libel cases did not increase during the year, because the journalists involved in most of them have left the Post.

The law includes provisions for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal may result in charges of contempt punishable by up to 6 months in jail. This has been criticized by the media as a clear infringement on press freedom and a means for parliamentarians to bypass the clogged court system in dealing with libel suits against the media.

In April a correspondent for the privately owned weekly newspaper Monitor received a series of anonymous, threatening telephone calls after he published a story that stated Intelligence Chief Xavier Chungu had been named in a U.N. report on UNITA sanctions violations.

There were reports of warnings by the Minister of Information against the media throughout the year. The press reported in February that the Minister warned of "drastic action" against the Zambian Independent Media Association (ZIMA) and the Inter-African Network for Human Rights and Development (AFRONET), and in May warned of action against radio stations labeled as "political" (see Section 4).

In August a Radio Phoenix reporter was detained and beaten by members of the Movement for Multi-Party Democracy (MMD) while investigating reports of extortion by MMD cadres at the central market. Police conducted an investigation and arrested those suspected of assaulting the reporter. In response to pressure from MMD officials, the suspects were released in August, and the case was not resumed by year's end.

In September espionage charges against 12 members of the editorial staff of the Independent Post newspaper were dropped. The editor still was required to appear in court in connection with a 1999 story pointing out deficiencies in the country's military preparedness in relation to Angola; the High Court acquitted him on December 21 (see Section 1.e.).

A government appeal of a National Assembly case initiated against three journalists in 1996 remains pending (see Section 1.d.).

A number of privately owned newspapers question government actions and policies, and these circulate without government interference. For the last 4 years, the leading private daily, the Post, has had an Internet home page that has attracted over 15,000 readers per month. The government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also have home pages established in April 1996.

The Government owns the sole television station, the Zambia National Broadcasting Corporation (ZNBC). In addition to the government-controlled radio station, there are three church-related stations and one private commercial station. In February a UNESCO-funded community radio station began operations in the town of Mazabuka.

The Government exercised considerable influence over the government-owned media, which continued to follow the government line on important issues. On January 24, a radio talk show on the privately owned Radio Phoenix was cancelled under government pressure. The talk show resumed in February, with no reports of interference.

The only commercial radio station rebroadcasts Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation items. Multichoice, based in South Africa, provides satellite and analog wireless subscribers with television services. These services provide broadcasts of Cable News Network, BBC World Sky Television, and South African Broadcasting Corporation Africa News. They also provide three BBC, one Radio France International, and VOA radio news broadcasts. Neither of the services provides local news coverage. A second wireless service, CASAT, began operations in December 1997. In 1998 Trinity Broadcasting Network, a foreign-based church-related television network, began 24-hour transmission from a rented studio at the ZNBC complex.

Contrary to its 1991 campaign promises to privatize government-owned mass media, the Government has declined to privatize the state-owned and government-controlled Times of Zambia, the Zambia Daily Mail, and the ZNBC radio and television stations. Opposition political parties complain that government control of these media bodies effectively limits their access to such means of mass communication.

Academic freedom is respected. University professors are permitted to lecture freely, conduct research, and publish their work. Late in 1999, the Government passed the University Act, which gave greater power to the Minister of Education to supervise universities. An injunction against the act which was issued by the High Court in October was dissolved at the end of 1999, and the President signed the act into effect. Although the act gives the university council a mandate to address faculty concerns, the Minister of Education makes appointments to the council; some academics have criticized this provision.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government restricted this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is inopportune. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule and that could be described as politically neutral or favorable to the Government or MMD; however, authorities sometimes denied permission to proceed with or cancelled rallies planned by the political opposition, particularly during by-election campaigns. For example, UNIP was issued a permit to carry out a demonstration in support of striking doctors in January. The permit later was cancelled by police. No reason was given for the cancellation.

The Public Order Act frequently was used to prevent activities by opposition political parties. In June the UPND was denied permission to hold rallies in three areas because a deputy minister would be touring those areas during the same period. The Government also denied the UPND a series of permits during the Sesheke by-election in July, again because several highlevel government officials, including the President, would be in the area at the same time.

Government officials publicly warned of potential "drastic action" against two NGO's, AFRONET and the Zambia Independent Monitoring Team (ZIMT) after those two organizations criticized the Government's handling of the health sector and an ongoing doctors' strike (see Sections 4 and 6.a.). In January authorities ar-

rested and detained a United Party for National Development (UPND) presidential candidate, Anderson Mazoka, on charges of holding an illegal meeting. Mazoka had obtained a permit to convene an informal dinner for 200 persons but police were instructed to arrest Mazoka when he addressed the attendees.

On July 15, the UPND M.P. for Mazabuka was arrested for unlawful assembly; the arrest related to a meeting held with constituents in his home a month earlier. The M.P. was subsequently released without charge.

On August 30, police were deployed to the University of Zambia one day after a student demonstration that resulted in injuries and property damage; police abused and detained students, including many who were not involved in the demonstration (see Section 1.c.).

The Constitution provides for freedom of association; however, at times the Government restricted this right. All organizations must apply formally for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. In 1999 the Government denied the application of a group of former servicemen who wanted to form an association. The Government argued that an organization for former servicemen already existed and did not permit the servicemen to register. There are currently 36 political parties and dozens of NGO's registered. The Government threatened to take action against those organizations that did not submit annual reports to the registrar of societies. In June 1999, the Ministry of Home Affairs deregistered more than 20 NGO's that did not comply with the reporting requirement. The NGO's that complied with the requirement, including those that frequently criticized the Government, were permitted to register.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Although a 1996 amendment to the Constitution declared the country a Christian nation, the Government respects the right of all faiths to worship freely in practice. There are governmental controls that require the registration of religious groups. The Government approves all applications for registration from religious groups without discrimination. There were no reports that the Government rejected any religious groups that attempted to register or obtain licenses.

Unlike in previous years, there were no reports of complaints by the Muslim community of discrimination based on the Constitution's "Christian nation" provision during the year.

In December 1996, the Government established an office for religious affairs at the level of deputy minister in the President's Office at State House. The office is responsible for dealing with issues that pertain to religion and worship, and to the promotion of state-church understanding and interfaith dialog.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to move freely throughout the country, to reside in any part of the country, and to depart and return to the country without restriction; however, there were instances in which authorities limited freedom of movement. Police roadblocks to control criminal activity continued, and police sometimes extorted money and goods from motorists (see Section 1.c.). However, in July the Inspector General of Police instructed police throughout the country to reduce roadblocks by half to facilitate travel within the country and reduce opportunities for corruption. The number of roadblocks throughout the country was reduced during the year; however, police continued to extort money from motorists.

Resident doctors engaged in a strike over working conditions and the general state of health care in the country reportedly were barred from leaving the country in February. Some doctors subsequently were able to seek employment outside the country (see Section 6.a.).

The conflict in Angola resulted in large numbers of internally displaced persons (IDP's) in March, mainly consisting of inhabitants from the Chavuma District, which borders Angola; however, most of the IDP's returned to their residences within 2 months.

The law does not contain provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complies with the provisions of these documents. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 250,000 refugees, mainly Angolans, in the country at year's end. On December 4, approximately 300 Zimbabwean and 3,000 Congolese soldiers entered the country to escape fighting in the Democratic Republic of the Congo (DRC). Most of the Congolese soldiers returned to the DRC; however, 117 refused to return to the DRC and were seeking asylum in the country at year's end. The Government cooperated with the UNHCR in processing applications for refugee status.

The Government provided first asylum to approximately 35,000 new refugees from Angola during the year, including former UNITA soldiers and their families. On December 1, the Government and the UNHCR began transferring approximately 265 Angolan former combatants and their families to the Eastern Province, which is farther from the Angolan border. In September approximately 3,000 refugees left the Mwange refugee camp for the DRC; however, the majority of them returned to Zambia by year's end. In November and December, approximately 25,000 Congolese refugees entered the country. The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. In December the Government disarmed and repatriated more than 3,000 soldiers from the DRC who had entered the country. In December the International Criminal Tribunal for Rwanda (ICTR) requested that the Government provide access to the detained soldiers; however, the Government did not grant access to the ICTR before the majority of the refugees had returned to the DRC.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens voted in national multiparty elections in November 1996; however, constitutional amendments barred the best known opposition candidate, former president and UNIP leader, Kenneth Kaunda, and his deputy, senior chief Inyambo Yeta, from running for the presidency, thereby restricting the right of citizens to change their government. The amendments enacted in 1996 require both parents of presidential candidates to be citizens by birth and disqualify tribal chiefs from running for the presidency unless they resign their chieftainship.

UNIP boycotted the 1996 elections and destroyed many party members' voter registration cards. Eleven political parties contested the presidential and National Assembly elections in 1996. The Government deregistered 14 opposition splinter parties for noncompliance with registration procedures. Approximately 50 percent of eligible voters registered. Of this total, almost 70 percent cast ballots. Although the MMD's use of government resources during campaigns, including the state-owned media, probably did not affect the final outcome, the elections' fairness nevertheless called into question. The Government's failure to implement a transparent voter registration process raised doubts among opposition parties about the Government's willingness to have an open electoral process. The next presidential election is scheduled for late 2001.

A series of parliamentary by-elections held during the year were viewed by local election observers as generally representative of the will of the electorate; however, there were some irregularities. Opposition parties won a number of these by-elections. However, during parliamentary by-election campaigns, the MMD frequently was accused of using government resources to support MMD candidates. For example, in July the MMD used a police vehicle to transport party members during a campaign.

Under the Constitution, the President wields broad authority. The National Assembly ratifies major appointments and theoretically has broad powers, but the overwhelming majority held by the MMD effectively precludes independent action by the legislature and limits its ability to provide a check on executive authority. In July the MMD expelled Minister of Environment and Natural Resources Ben Mwila for gross insubordination when he began campaigning for the presidency before the President himself had designated a successor. Mwila subsequently formed a new political party, the Republican Party. During the year, Parliament took steps to strengthen itself and to improve responsiveness to citizen concerns, although an initial attempt at a structured parliamentary reform program failed to garner adequate support from members of Parliament.

The number of women in politics and government is increasing but remains small, and women are underrepresented in government. In October the PHRC chairperson stated that less than 10 percent of women are involved in the political and decision-making process. There are 14 female members in the 150-seat Parliament; 2 of these are ministers, and 3 are deputy ministers. In August former ambassador Gwendoline Konie established a political party and announced her candidacy for president, making her the first woman to run for that office.

Minorities are underrepresented in government and politics. There are three ethnic Asians (one is a minister) and one mixed race (African-European) minister.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights and civic rights organizations generally operated without serious government hindrance; however, in previous years the ZIMT, ZIMA, AFRONET, and the Foundation for Electoral Process claimed that official harassment, including blocking their bank accounts, occurred. There were reports in February that the Minister of Information warned of "drastic action" against the ZIMA and AFRONET, accusing the organizations of being agents of foreign sponsors (see Section 2.a.). It also was reported in February that a senior member of the MMD had threatened AFRONET and the ZIMA, and the MMD chairperson for information and publicly warned that the Government would withdraw recognition of NGO's that it deemed "reckless and irresponsible."

In February Alfred Zulu, a prominent human rights activist, was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations (see Section 1.d.).

The Government continued to be receptive to criticism from human rights and civic organizations in general, but on occasion, government officials criticized efforts by human rights monitors to have international balance of payments support conditioned on positive human rights developments in the country and accused monitors of trying to undermine Government activities.

Some police and immigration officers complained that the local NGO Legal Resources Foundation protects criminals because of its work defending accused persons.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association have continued to press for a transparent democratic electoral system. Human rights, development and election NGO's monitored the by-elections throughout the year and organized civic education activities focused on improving voter participation and information.

The Government generally did not interfere with inquiries or visits by international human rights organizations. For example, in July Human Rights Watch visited the country to observe the meeting of a consultative group of international donors.

In May 1997, the Government established an autonomous Permanent Human Rights Commission, the PHRC. A Supreme Court justice chairs the Commission; other members are drawn from throughout society and include the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government. The Commission oversees human rights committees in all provincial capitals. The Commission spoke out on behalf of other detainees and prisoners, and the Government responded by releasing seriously ill prisoners in 1997 and 1998 at the Commission's request. The PHRC requested but did not receive funding to hire prison inspectors; until it obtains funding, its provincial committees are conducting periodic prison inspections. The Government further responded to the Commission's recommendation by establishing in 1998 an inquiry to investigate torture claims by detainees. The inquiry was completed in June with a report submitted to President Chiluba; the report was not released publicly by year's end (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring native-born citizens of partial or full foreign ancestry from the presidency appear to violate the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who are accorded authority and privileges as chiefs, from running for political office unless they resign their chieftainships. A legal challenge to these amendments in 1996 was unsuccessful.

Women.—Violence against women remained a serious problem. Wife beating and rape were widespread. According to official statistics, over 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder either were dismissed or remain unresolved. The courts normally sentence defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number is considered to be much higher. Domestic assault is a criminal offense. Although the police established a Victim Support Unit (VSU) in 1997 to attend to the problem of domestic assault, in practice police often are reluctant to pursue reports

of wife beating, preferring instead to broker a reconciliation. The Government and NGO's expressed continued concern about violence against women, and the media devoted considerable publicity to it during the year. The VSU handles problems of wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing."

In two separate incidents in January and February, young women reportedly were abducted by UNITA soldiers for forced labor in Angola (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice, women are disadvantaged severely in formal employment and education compared with men. Married women who are employed often suffer from discriminatory conditions of service. Women have little independent access to credit facilities; in most cases, they remain dependent on their husbands who are required to co-sign for loans. As a result, few women own their own homes. However, some small financial institutions reportedly now allow women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legislative protections. Polygyny is permitted if the wife first agrees to it at the time of her wedding. Under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. The 1989 Intestate Succession Act was designed to provide women with a share of the joint estate. Under the act, the children of the deceased man equally share 50 percent; the widow receives 20 percent; the parents receive 20 percent; and other relatives receive 10 percent. A 1996 "reform" of the act places the widow's share at 20 percent, to be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines.

In practice, "property grabbing" by the relatives of the deceased man remains rampant, particularly when local customary courts have jurisdiction. These courts often use a different law, the Local Courts Act, to distribute inheritances without reference to the percentages mandated by the Intestate Succession Act. Ignorance of the law on the part of victims is also a problem. As a result, many widows receive little or nothing from the estate. The fines that the Intestate Succession Act mandates for property grabbing are extremely low. An M.P. participating in an April workshop on the Intestate Succession Act noted that the act has failed to address increased cases of property grabbing and therefore needs to be reviewed. In November the President strongly criticized the practice during a public ceremony.

In March a Lusaka magistrate's court convicted and remanded to custody the administrator of a deceased man's estate who evicted the decedent's widow and her baby 2 days after the decedent's burial.

Children.—The Government seeks to improve the welfare of children, but scarce resources and ineffective implementation of social programs continue to affect the welfare of children adversely. The Ministry of Sport, Youth and Child Development, Ministry of Education, Ministry of Labor, and Ministry of Community Development and Social Services have responsibilities for improving child welfare. Education is neither compulsory nor free. The number of children enrolled in public schools at the primary levels reportedly has declined over the past few years. Lack of adequate educational facilities and scarcity of educational materials are problems. Some areas have established community schools that are free but have fewer resources than public schools and require contributions from parents. The number of girls and boys in primary school is approximately equal; however, fewer girls attend secondary school. Due to poverty, both rural and urban children often work in the informal sector to help families make ends meet (see Section 6.d.). The number of street children in Lusaka increased from 35,000 in 1991 to 90,000 in 1998, partly because of the growing number of parents who have died from AIDS. Approximately 75 percent of all households are caring for at least one orphan and, as a result, these children face greater risks of child abuse, sexual abuse, and child labor; 7 percent of households are headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS and was attempting to address the problem of child labor by establishing a child labor unit with awareness programs during the year. Child abuse was believed to be fairly common, but no statistics were available.

The Labor Ministry and the Ministry of Development are cooperating in the establishment of a child labor office to address the problem of street children; in May the Government established the Child Labor Working Group. There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21. Laws against child prostitution are not effectively enforced;

however, cases of child pornography and sexual exploitation are generally effectively enforced.

People with Disabilities.—Persons with disabilities face significant societal discrimination in employment and education. The Government has taken steps to ameliorate their hardships, including establishing a national trust fund to provide loans to the disabled to help them start businesses, but its efforts are limited by scarce resources. The Government has not legislated or otherwise mandated accessibility to public buildings and services for the disabled.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of citizens to form trade unions, and approximately 60 percent of the 300,000 formal sector workers are unionized. Eighteen of the country's 19 large national unions, organized by industry or profession, are affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU is operated democratically and, like its constituent unions, is independent of any political party and the Government. The Mineworker's Union of Zambia and four other unions broke away from the ZCTU and established a rival umbrella organization in 1994. Four of them, including the Mineworkers' Union of Zambia, since have rejoined the ZCTU, leaving only the Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia outside the Congress.

The 1993 Industrial and Labor Relations Act (ILRA) reestablished the "one union, one industry" principle. A 1997 amendment to the act allows for multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, has been unable to operate because the employers recognize the existing Zambia Union of Financial and Allied Workers. In 1993 the Ndola High Court ordered the Government to register the Secondary School Teachers Union of Zambia (SSTUZ). The Government continues to argue that the Zambia National Teachers Union (ZNTU) rep TwBmal w(ondec-)TjT 0.0675 Twy Schotl Teacheal a

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priate redress for the aggrieved worker. The complainant may appeal a judgment of the Industrial Relations Court to the Supreme Court. In practice the Court often orders employers to reinstate workers found to have been victims of discrimination. This Court, like other courts, has inadequate resources to address all of the cases before it in a timely manner.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits slavery and involuntary servitude; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. Moreover, the Government can require citizens to perform labor that is associated with traditional civil or communal obligations, as when all members of a village are called upon to assist in preparing for a visit by a traditional leader or other dignitary.

Forced or bonded labor by children is not permitted, and in practice the labor authorities generally enforce the legal proscriptions when cases violating the law are brought to their attention (see Section 6.d.). However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforces this law in the industrial relations sector although, because of high adult unemployment, there is no demand for child labor in the formal sector. Child labor is most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law is not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often are employed. In urban areas, children commonly engage in street vending. The ILO estimated that 564,000 children were in the work force during the year. Approximately 85 percent of those children are engaged in the worst forms of child labor, including street begging and prostitution. The Government has not ratified ILO Convention 182 on the worst forms of child labor; the Government had formulated but not approved an action plan by year's end. At present, acute family poverty levels and economic factors result in child labor. The problem has been compounded by the HIV/AIDs epidemic which has produced a growing number of orphans.

In May the Government established an interministerial working group, the National Steering Committee of the National Country Program on Child Labor, to coordinate efforts at addressing the root causes of child labor.

Forced or bonded labor by children is not permitted, and the authorities enforce legal proscriptions if violations are brought to their attention; however, while in general forced or bonded labor is not a problem, there were reports that UNITA rebels abducted young persons for labor in Angola (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage for nonunionized workers is set at \$0.02 (70.30 kwacha) per hour. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a worker earning the minimum wage would receive \$28 (90,000 kwacha) per month. The minimum wage covers nonunionized workers in categories such as general workers, cleaners, office orderlies, and watchmen. The minimum wage is insufficient to provide a worker and family with a decent standard of living, and most minimum wage earners supplement their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits are established through collective bargaining. In practice almost all unionized workers receive salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment is 40 hours and is, in practice, the normal workweek. The law requires 2 days of annual leave per month of service.

The law also regulates minimum health standards in industry, and the Department of Mines is responsible for enforcement. Factory safety is handled by the Inspector of Factories under the Minister of Labor, but staffing problems chronically limit enforcement effectiveness. There are no legislative provisions to protect a worker who refuses to work on grounds of inadequate safety.

f. Trafficking in Persons.—The Constitution prohibits trafficking of children under the age of 18, but there are no other laws prohibiting trafficking in persons; however, trafficking in persons is not a significant problem in the country, although there have been some reports of trafficking. In 1999 a foreign citizen was arrested for allegedly trying to take four young women out of the country to work as prostitutes. The foreign citizen was charged, but acquitted. UNITA deserters have abducted citizens and forced them to accompany them back to Angola. Two such incidents were reported in January and February in Western Province. Upon return to

Angola, UNITA rebels forced young men to herd cattle which were stolen in cross border raids, and forced young women into labor or prostitution.

ZIMBABWE

Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government and have restricted political choice since independence in 1980. Although the Constitution allows for multiple parties, opposition parties have been subject both to financial restrictions, which were relaxed only partially in 1998, and to significant intimidation and violence by the ruling party and government security forces. Parliamentary elections were held in June and were preceded by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition. Although most election observers agreed that the voting process itself generally was peaceful, there were irregularities, and an estimated 15 percent of voters were turned away at the polls for various technical reasons. During the year, the country's first viable opposition party emerged, the Movement for Democratic Change (MDC), and won 57 out of 120 seats in the June parliamentary elections. The judiciary is generally independent, but the Government often refuses to abide by court decisions, frequently questions the authority of sitting judges, and threatens their removal.

The Zimbabwe Republic Police (ZRP) are responsible for maintaining law and order. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security. The Central Intelligence Organization (CIO) under the Minister of State for National Security in the President's Office is responsible for internal and external security but does not have powers of arrest. Members of the security forces committed serious human rights abuses.

Of a population of approximately 12 million, nearly half live by subsistence agriculture and about 75 percent rely directly or indirectly on agriculture for their livelihood; however, there are also substantial mining, manufacturing, and service sectors. The country has abundant arable land, minerals, good infrastructure, an educated and disciplined work force, and a strong ecotourism sector. Its chief sources of hard currency are exports of tobacco, gold, ferroalloys, nickel, tourism, and remittances from citizens working in other countries. The nonfarm economy continued to be dominated by state-owned monopolies and suffered from mismanagement and poor governance, including government corruption, and from large fiscal deficits exacerbated by the Government's military operations since 1998 in the Democratic Republic of the Congo (DRC). These conditions continued to contribute to accelerating price inflation, rapid currency depreciation, high real interest rates, and high unemployment. The formal sector unemployment rate exceeds 60 percent. During the year, per capita gross domestic product fell to \$392, and according to government estimates, 70 percent of the population lives in poverty. The Government continued to face growing pressure from urban labor groups and rural low-income groups as the standard of living dropped. Widespread strikes and opposition from private businesses as well as labor largely frustrated government efforts to impose new taxes. International experts estimated that HIV/AIDS infects one-fourth of the adult population, killed at least 150,000 persons in the past year, and has created an estimated 900,000 orphans since the late 1980's.

The Government's poor human rights record worsened significantly during the year, and it committed serious abuses. The Government provided logistical and material support to ZANU-PF members, who orchestrated a campaign of political violence and intimidation that claimed the lives of more than 31 persons. Government supporters and war veterans, with material support from the Government, occupied commercial farms, and in some cases killed, tortured, beat, abused, and threatened farm owners and other persons believed to be sympathetic to the opposition. Security forces tortured, beat, and otherwise abused persons. There were unconfirmed reports of politically motivated disappearances. Prison conditions remained harsh, and life threatening. Arbitrary arrest and detention and lengthy pretrial detention remained problems. The judiciary is generally independent, but the Government often refuses to abide by court decisions, and frequently questions the authority of sitting judges, and threatens their removal. Infringements on citizens' privacy continued. The Government embarked on a farreaching "fast-track" resettlement program whereby privately owned farms, which are mostly white-owned, were threatened with seizure without fair compensation. The Government continued to restrict press freedom, enforce restrictive laws against, and intimidate journalists, and monopolize radio broadcasting. In September the Supreme Court ruled that the Gov-

ernment's monopoly on broadcasting was unconstitutional. Journalists also practiced self-censorship, and the Government continued to restrict academic freedom. The Government restricted freedom of assembly. Security forces repeatedly used force to disperse nonviolent public meetings and demonstrations. Although the Government generally respected religious freedom, its retention of the colonial-era Witchcraft Suppression Law reportedly was viewed as restrictive by some practitioners of traditional indigenous religions. The Government at times restricted freedom of movement, including erecting roadblocks around communal farming areas. The political process remained heavily tilted in favor of the ruling party, and widespread irregularities, fraud, and intimidation marred the June parliamentary elections. The Government criticized nongovernmental organizations (NGO's) of launching opposition political activity. Domestic violence against women remained widespread, and discrimination against women and the disabled remained problems. Abuse of children, including incidents of female genital mutilation (FGM), remained a problem. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government exacerbated widespread resentment of the economically prominent white minority. The Government violated worker rights. Child labor is a problem, and the traditional practice of offering young girls as compensatory payment in interfamily disputes persisted. There were reports that persons were trafficked from the country to South Africa for forced prostitution and forced labor.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no confirmed reports that security forces committed extrajudicial killings; however, in some cases army and police units provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities.

On July 9, at a soccer match in Harare, 12 persons were trampled to death after police fired tear gas into stands where opposition supporters were waving MDC banners and chanting antigovernment slogans. Five others were critically injured, one of whom later died from injuries. By year's end, human rights organizations were supporting individual legal cases against the ZRP for using excessive force in the incident; however, the cases had not been tried by year's end.

In September 1999, Notice Zhakata reportedly died at Norton Hospital of injuries inflicted on him by police at the Kadoma police station, where he was detained following an arrest. According to press reports, police initially denied responsibility for the death, and the Government had not taken any action in the case by year's end.

In late 1999, allegations surfaced that members of the armed forces were training Burundian Hutu militias in the DRC to conduct attacks on Burundian and Congolese civilians in addition to military targets. The Ministry of Defense denied these reports, and no credible information has been found to verify them.

There were no new developments in the late 1998 case of a police officer who fired into a crowd of persons protesting fuel price increases in Mutare, killing one woman. There also were no developments in the February 1998 gasoline bombing case in which ZANU-PF supporters attacked independent Member of Parliament (M.P.) Margaret Dongo with a gasoline bomb at a by-election in Chitungwiza.

Police killed eight persons during January 1998 food riots. The Government conducted investigations into these cases, and private legal actions were instituted against the police. At year's end, those cases still were proceeding through the courts, and police investigations were ongoing at year's end. In March 1999, a magistrate court issued an opinion in the case of a 12-year-old girl, Kudzi Ndlovu, who was shot in Gweru during the riot on January 20, 1998. The judge concluded that her death resulted from a collapse in police command and inadequate riot control procedures by the officers on the scene; however, due to the confusing and conflicting evidence about the police response in this case, the judge was unable to find any individual officer liable for this death. The magistrate court recommended that further "private investigations" be undertaken to assist the Attorney General in determining liability in the case. At year's end, there were no further developments in the case.

The Attorney General continued to decline to prosecute the mayor of Chitungwiza, Joseph Macheke, for shooting to death one man and injuring two others who allegedly attempted to rob Macheke's liquor store during the January 1998 food riots. The Attorney General determined that Macheke was acting in self-defense and therefore, that prosecution was not in the public interest; the case was dropped in 1999. Legal and human rights critics accused the Attorney General of being influenced by political pressure.

In July 1999, the ZRP's Criminal Investigation Division reportedly identified an unnamed official of both the ZANU-PF and the Government as the subject of an investigation into three ritual killings committed in 1997 (see Section 5). There was no further information available on the case at year's end.

By year's end, the Government still had not responded formally to a 1999 report by the Legal Resources Foundation (LRF) and the Catholic Commission for Justice and Peace (CCJP) on atrocities committed during the 1982-87 Matabeleland crisis, despite the March 1999 release of a shortened version that was made available in local languages and mounting pressure from civic groups, political parties, and churches. The LRF and Zimbabwe Lawyers for Human Rights subsequently subpoenaed the Government in January to release the findings of two commissions that investigated the Matabeleland massacres; however, the Attorney General claimed that the documents were missing. In July the LRF petitioned the Supreme Court to force the Government to release the findings; the Court ruled that the President could be sued in court but had not heard the merits of the case by year's end. An estimated 10,000-20,000 persons died in the Matabeleland uprising and subsequent Government pacification campaign.

In the five-month period before the June parliamentary elections, 31 deaths were reported officially as a result of political violence, perpetrated mainly by supporters of the ruling party. On April 15, in Buhera district, a group of men in a ZANU-PF vehicle pulled in front of a vehicle driven by MDC leader Morgan Tsvangirai's campaign manager and eight other passengers, and forced the vehicle to stop. The men beat the driver and passengers with rifle butts and then set the car on fire. The driver and one passenger died in the attack, and two other passengers were reportedly hospitalized. Police later arrested two persons implicated in the attack, but they were released after a brief detention without explanation. There were no other arrests or court action in the case.

There were reports that in March ZANU-PF supporters killed persons during a campaign of violence in Mberengwa district (see Section 1.c.).

On April 17, a group of war veterans abducted MDC organizer and commercial farmer David Stevens from his farm and took him to their base in Murewa, where they beat him badly, and then shot and killed him. On September 22, after receiving an anonymous tip, police arrested a Marondera war veteran and charged him with murder. The suspect was released on bail pending a court hearing; however, the Attorney General later withdrew the charges due to a lack of evidence, even though the suspect had been apprehended with the murder weapon and had been identified by a number of witnesses.

In late April in Kariba, residents of the town observed persons believed to be ZANU-PF supporters throwing the bodies of Luckson Kanyurira and another MDC supporter out of their vehicle onto the main street of the town. The incident followed several days of clashes between opposing political party members. No one was arrested or charged in the case by year's end.

On May 13, in Chipinge district, five persons beat to death Alex Chisasa, an army sergeant in civilian clothing. The killing occurred after Chisasa reportedly criticized publicly ZANU-PF's political strategy.

On May 17 in Mudzi district, youths allegedly supporting ZANU-PF beat to death Mationa Mashaya and his son, who were local supporters of the United Parties opposition group. The suspects beat to death the senior Mashaya in the presence of his wife, and then entered the home of Mashaya's eldest son, Onias, dragged him outside, and severely beat him, breaking both his hands. Onias died the following day from his injuries. No arrests were made in the case by year's end.

In June Mandishona Mutyanda, MDC ward chairman for the Kwekwe district, died of severe head injuries after being assaulted in a suburb of Kwekwe by suspected ZANU-PF supporters. No one had been arrested or charged in the case by year's end.

In March 1999, police instituted a system of roadblocks to apprehend suspected criminals, known as "Operation Hokoyo," that continued to be implemented periodically during the year.

Groups composed of war veterans tortured MDC members throughout the June election campaign. One person died from such torture (see Section 1.c.).

Six white commercial farmers were killed during the year in violence arising from land seizures (see Section 1.f.). For example, on December 13, three men armed with rifles killed white farmer Henry Elsworth and seriously injured his son in an ambush attack outside his farm gate. Press reports indicated that robbery did not appear to be the motive for the killing and that Elsworth had received numerous death threats during the year.

During the year at least five farm workers were killed in political violence; however, exact figures were not known. Three of the five were found hanged, and the police recorded their causes of death as suicides.

Harsh prison conditions and a high incidence of HIV/AIDS are widely acknowledged to have contributed to a large number of deaths in prison; the Zimbabwe Prison Service documented that 1,051 prisoners died of HIV/AIDS-related causes during the past 3 years (see Section 1.c.).

There were continuing reports of ritual murders and killings of children for body parts which were associated with traditional religious practices. In July 1999, Faber Chidarikire, a ZANU-PF official and mayor, was charged with the murder of a girl in 1987 (see Section 5).

b. Disappearance.—There were unconfirmed reports of numerous politically motivated disappearances perpetrated by ZANU-PF supporters during the year, especially in the rural areas where most organized groups are loyal to the Government and there are few opposition organizations. Domestic human rights organizations believe that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions.

On June 19, Patrick Nabanyama, a local MDC official and polling agent for Bulawayo South M.P. David Coltart, was abducted by suspected ZANU-PF supporters from his home. On October 10, ten war veterans, including the chairman of the National Liberation War Veterans Association in Bulawayo, reportedly were detained for the kidnaping and remained in detention pending a trial at year's end. By year's end, Nabanyama had not been found.

In June war veterans beat and abducted a journalist for *The Independent* newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and cruel and inhuman treatment; however, security forces tortured, beat, and otherwise abused persons.

The ZRP showed poor training in criminal apprehension and interrogation, and there were unconfirmed reports of human rights abuses by the CIO.

There continued to be reports of police using excessive force in apprehending and detaining criminal suspects.

Security forces were involved in incidents of political violence, including instances of soldiers beating civilians in areas where persons voted for the opposition, such as Harare suburbs and Kwekwe. Two cases arising from beatings by soldiers following the Government's referendum defeat in February went to court. On June 28, army soldiers reportedly beat an MDC M.P. and MDC members at a political rally that had been authorized by police authorities (see Section 2.b.). Reportedly the victims were beaten with rifle butts and five were hospitalized for injuries. There were also reports that police fired tear gas into homes during the suppression of riots in October.

There were at least 8 politically motivated rapes reportedly perpetrated during the year.

On July 9 at a soccer match in Harare, five persons were injured and 12 persons were killed, after police fired tear gas into the stands during a soccer match (see Section 1.a.).

On October 9, police reportedly used tear gas on MDC supporters who were gathered at an airport for the arrival of MDC leader Morgan Tsvangirai.

Security forces repeatedly used force to disperse nonviolent demonstrations (see Section 2.b.). On October 12, police reportedly beat students with batons and used tear gas to break up a peaceful student rally (see Section 2.b.). On October 16, during food riots, security forces and police used excessive force to disperse demonstrators. Police officers, supported by army units, fired tear gas into crowds, and the army used helicopters to drop tear gas canisters over neighborhoods. Security forces reportedly beat an opposition M.P. and four journalists. There also were reports that journalists were whipped and beaten by security forces (see Sections 1.d., 1.f., 2.a., and 2.b.).

There were reports during the year that Government forces allegedly used landmines in the DRC; there was no further information available on the extent of injuries resulting from these landmines.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses.

In September 1999, Notice Zhakata reportedly died at Norton Hospital of physical abuse inflicted by police at the Kadoma police station while he was detained there (see Section 1.a.).

In March 1999, the Chitungwiza police arrested, detained for 6 months and allegedly tortured a married couple, Joyce and Shupikai Karimazondo, and another person, John Mita, in response to allegations by a neighbor that they had killed their young domestic worker for ritual purposes (see Sections 2.c. and 5). In September, the Karimazondos and Mita were released, and the murder charge was dropped after the domestic worker was located alive and unharmed. The Magistrate Court declined the Karimazondos' defense counsel's application to have the State prosecute the investigating officers for misconduct and unlawful detention. Mita stated that he was suing the Government for unlawful detention. A local organization that treats torture victims, the Amani Trust, began investigating these allegations. At year's end, these investigations and legal challenges still were proceeding. No further information on the case was available at year's end.

In January 1999, in Harare, three men, one of whom later was identified as a police officer, reportedly assaulted Isodore Zindoga, deputy secretary general of the Zimbabwe Confederation of Trade Unions (ZCTU). There was no further information available on the case at year's end.

In January 1999, the military police detained and subsequently tortured and beat two journalists, Mark Chavunduka and Ray Choto (see Section 2.a.). The journalists' suit for their alleged mistreatment still was pending at year's end.

In June 1999, CIO officer Richard Mutswiri Mutiti reportedly filed a suit with the High Court alleging that four other CIO officials had beaten and kicked him, doused him with a flammable petroleum distillate, and threatened to burn him, while detaining him without warrant at the Harare Central Police Station in June 1998. A CIO disciplinary committee reportedly recommended the firing of the four officials in 1998, and one reportedly resigned soon thereafter; the High Court was scheduled to hear the cases of the remaining three officers in January 2001.

A consortium of human rights lawyers and NGO's pursued legal actions in 40 cases on behalf of persons who alleged that they had been injured by state officials during the 1998 food riots (see Section 1.d.). Twenty of those cases were resolved in favor of the claimants, and in one case, the army paid compensation to the victim. In the other 20 cases, the ZRP stated that it did not have the funds to pay damages. In six cases, the court ruled in favor of the police. Three other cases were withdrawn due to a lack of evidence, and three plaintiffs died before their cases could be heard. At year's end, six cases still were pending; of those cases, two claimants reportedly had left the country, and the remaining four could not be located.

Government supporters beat suspected opposition members, commercial farmers, and farm laborers; on June 5, an international team of medical experts on a fact-finding mission found evidence of systematic physical and psychological torture by government supporters. Human rights groups have reported that war veterans and other ruling party supporters set up torture chambers in government-funded offices to brutalize opposition supporters. The names of MDC M.P. David Coltart and other MDC members and supporters were reportedly included on a death list that was circulated among ZANU-PF supporters.

Persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers in the manufacturing mpeee Secf opJpor8-PF st foasct-tidrnati. Imolixx caset The nationay police did not au ufames oy potogict-

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MDC. At least one person, Chipunza, died from injuries sustained during torture there, and another six testified to a human rights group that they were tortured at this clinic. Authorities arrested 46 war veterans, but they were released on bail, and they are unlikely to be tried due to President Mugabe's decree pardoning perpetrators of political violence between January and July (see Sections 1.e. and 3).

Government supporters raped suspected opposition supporters. The attacks targeted female farm workers and health workers (see Section 5).

In March a group of ZANU-PF supporters allegedly tortured MDC members in Bulawayo before a rally addressed by President Mugabe. In August police arrested two war veterans suspected of participating in the torture; however, charges against them were dropped as a result of a presidential amnesty (see Section 1.e.).

The Zimbabwe Human Rights NGO Forum, a coalition of the nine largest human rights organizations in the country, reported that in March ZANU-PF supporters in Mberengwa district abducted a local nurse and a teacher at night and forced them to a remote camp where other opposition members were being held. The two were stripped and forced to climb trees and jump from a height of three meters. They were beaten with electrical cords and sticks and threatened with firearms. Authorities arrested four suspects and held them on charges of malicious damage to property, public violence, kidnapping, and murder. As a result of a presidential amnesty, charges against three of the suspects were dropped, but the fourth suspect remained in custody for murder at year's end (see Section 1.e.).

On April 1, there were violent clashes between MDC and ruling party supporters that resulted in at least 12 injuries. ZANU-PF supporters reportedly beat passers-by. Police used tear gas to disperse the groups (see Section 2.b.). War veterans threw stones at unarmed opposition members and bystanders and injured several persons. Police did not intervene immediately, allowing war veterans to severely beat bystanders.

In June there were at least 200 reported attacks on schools by ruling party supporters. Teachers were dragged from classrooms, beaten, and stripped naked in front of their students. Health care workers also were targeted for assault, and nurses were raped.

In June war veterans beat and abducted a journalist for *The Independent* newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnapped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

On July 16, war veterans beat Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters; the war veterans detained Zvanya for two hours and then released him.

In July the National Constitutional Assembly (NCA), an umbrella organization of approximately 100 NGO's, called for an inquiry into the political violence, and a number of other human rights organizations released reports on the political violence associated with the June parliamentary elections during the year.

In August it was reported that war veterans abducted and sexually abused 10 schoolchildren (see Section 5).

On October 6, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31 (see Section 1.e.). The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.

Prison conditions remained harsh. Extreme overcrowding, shortages of clothing, and poor sanitary conditions persist. Overcrowding and poor sanitation aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related illnesses among the 21,133 prisoners in the country during the year. Government prison service authorities reviewed overcrowding in prisons during a 1998 workshop and concluded that exposure to HIV/AIDS was a major cause of a large number of deaths in detention, and prison authorities called for more research to address this growing problem; some authorities argued for the early release of such terminally ill prisoners. There has been a significant increase in the number of women incarcerated, primarily due to harsh economic conditions. Female prisoners are held in separate cellblocks from male prisoners. There are an estimated 2,000 women in prison, increasingly for crimes of prostitution, embezzlement, fraud, petty theft, and abandonment of infants. Many incarcerated women are obliged to raise their very young children in prison if they have no one to care for them while they are detained. The Government established a successful community service sentencing program to try to alleviate prison overcrowding. The Legal Resource Foundation, in cooperation with the prison service, has established a human rights training program for prison officials. Officials who mistreat prisoners are punished routinely. Juveniles generally are held separately from adults; however, a local NGO reported that occasionally

juveniles, particularly juveniles between the ages of 16 and 18 years, are held with adult prisoners for brief periods of time.

The Government permits international human rights monitors to visit prisons; however, government procedures and requirements make it very difficult to do so. Permission is required from the Commissioner of Prisons and the Minister of Justice, which sometimes can take a month or longer to obtain or may not be granted. A local NGO that deals with prisoners' issues was granted access on a number of occasions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weaken this prohibition and security forces arbitrarily arrested and detained persons repeatedly.

The law requires that police inform an arrested person of the charges against him before he is taken into custody. Warrants of arrest issued by the courts are required except in cases of serious crimes or where there is the risk of evidence disappearing. The Ministry of Home Affairs paid \$400,000 (Z\$4.5 million) in damages for wrongful arrest cases in 1996, the last year for which statistics were available.

Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often is disregarded if a person does not have legal representation. A 1992 amendment to the Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents. However, in practice, a circular issued by the Attorney General giving a general authority to grant bail has lessened the negative impact of the rule. High Court judges grant bail independently.

Two laws dating from the British colonial era, the Official Secrets Act and the Law and Order Maintenance Act (LOMA), grant the Government a wide range of legal powers. LOMA gives extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not clearly defined.

In 1997 the Government proposed new legislation called the Public Order and Security Bill (POSB) to replace the LOMA. The original POSB was less restrictive than the LOMA only in some respects. During the following 2 years, the Parliament significantly amended the POSB to reflect the concerns of human rights and legal organizations, which had protested the Government's original draft as insufficiently liberal. Although the amended version that the Parliament sent to President Mugabe for his signature was similar to the LOMA in including vague definitions of political and security crimes, harsh penalties for failure to report the acts of others, and restrictions on freedom of assembly, speech, and association, President Mugabe declined to sign it, and returned it to the Parliament in early June 1999 for further consultation and possible amendment. There was no further action on the POSB in Parliament during the year (see Section 2.a.).

On April 26, police detained an Associated Press photographer for 4 days without charge in connection with the April 22 bombing of the offices of the independent Daily News (see Section 2.a.).

On May 21, police arrested 20 MDC supporters who were preparing for a political rally (see Section 2.b.).

On October 8, police detained three parliamentarians from the opposition MDC for allegedly inflammatory statements made at a political rally. The M.P.'s were detained for two nights and released when the Attorney-General declined to prosecute them (see Sections 1.e., 2.a., and 2.b.). On October 9, police dispersed a demonstration protesting the arrest of the three parliamentarians (see Section 2.b.).

During food riots on October 16, police detained at least 70 persons (see Section 1.c.).

In January 1999, military and civilian police detained and physically abused two journalists from The Standard and charged them with violating Section 50 of the LOMA (see Sections 1.c. and 2.a.).

In a landmark decision in April, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, at year's end the journalists' suit for their alleged mistreatment had not been concluded (see Section 2.a.).

At the end of 1999, the Government reportedly was holding about 80 foreigners in Harare Remand Prison who had been there for between 2 months and 1 year without having been charged formally. Many of these detainees reportedly were persons from the DRC claiming to fear persecution by the Government of the DRC, which the Government of Zimbabwe was supporting militarily against insurgent forces.

In June 1999, a CIO officer filed a suit alleging that other CIO officials had detained him without warrant in June 1998 (see Section 1.c.).

On July 2, 1999, the Zimbabwe Human Rights NGO Forum released a follow-up report to its 1998 report on the January 1998 food riots. The report noted that the police claimed that a total of 3,000 persons were arrested during the 3 days of rioting and 2 days of clean-up. The overwhelming majority of those arrested were released within a 2-week period; the Rights Forum concluded that 70 percent of those arrested could not be convicted because of lack of credible charges or flawed arrests by the police and army. Its report also claimed that some persons were victims of uneven justice. For example, those arrested first received harsh sentences or were in remand without trial. Those arrested later were released quickly, because the system was overwhelmed.

There were no developments in the case of the Reverend Ndabaningi Sithole, a former opposition M.P. and longtime rival of President Mugabe, who was convicted and sentenced in December 1997 to 2 years' imprisonment under the LOMA for conspiring to assassinate President Mugabe in 1995. In January 1998, Sithole filed an appeal, and the sentencing judge called for a pardon. Sithole died in December while receiving medical treatment outside of the country.

Prolonged pretrial detention remained a problem. Detainees spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

The Constitution prohibits forced exile, and the Government does not use forced exile; however, a number of persons left the country to escape repression and remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the judiciary remained largely independent; however, the Government increasingly refused to abide by judicial decisions. In addition numerous government officials, including the Justice Minister and the Minister for Information and Publicity, repeatedly called for the resignation of Supreme Court justices.

The Customary Law and Local Courts Act of 1990 created a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. With this restructuring, civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed for life, and the Constitution provides that they can be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, judges were threatened with removal at times by the Government. Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and sometimes are subject to political pressure. Military courts deal with disciplinary or courtmartial proceedings. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Trials in both these latter courts meet internationally accepted standards for fair trials; defendants in these courts have the right to appeal to the Supreme Court. All levels of the judiciary often make rulings disliked by the Government.

The Constitution provides for the right to a fair trial, and the judiciary rigorously enforces this right. Every defendant has the right to a lawyer of his choosing. However, well over 90 percent of defendants in magistrates' courts do not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this is rarely done and rarely granted. However, in capital cases the Government provides an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. The government-established Citizens Advice Bureau was eliminated due to budget constraints in 1997. All litigants are represented in the High Court. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understand their rights and to weigh any mitigating circumstances in criminal cases, whether or not the accused presents them as part of his defense.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials are open to the public except in certain security cases. Defendants enjoy a presumption of innocence and the right to present witnesses and question witnesses against them. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The legal system does not discriminate against women or minorities. However, some High Court judges imposed lenient sentences in some cases of rape and child sexual abuse, and local women's and legal organizations challenged these decisions.

In April and May, the Government failed to abide by two High Court rulings requiring that police officials remove war veterans and other squatters trespassing on commercial farms. On May 17, the High Court ordered an end to the occupation of 500 farms by war veterans and other ZANU-PF supporters; however, the order was not implemented. In May the High Court also brought contempt of court pro-

ceedings against National Liberation War Veterans Association leader Chenjerai Hunzvi for failing to remove his followers from occupied farm properties. Hunzvi, along with the Government, had been ordered in April to remove thousands of squatters from 1,000 occupied farms. Hunzvi was found guilty of contempt of court and received a commuted 3-month prison sentence; however, both Hunzvi and the Government continued to ignore the court orders at year's end. In August and September, police removed approximately 100 squatters and war veterans from farms near Harare; however, the Government stopped the expulsions after the police actions were publicized, and approximately 1,000 farms remained occupied at year's end.

Members of the ruling party and the Government were increasingly dissatisfied with the judiciary, whose rulings often went against ZANU-PF and the Government. In July the Supreme Court ruled that the President could be sued in court after the LRF sued the Government to release a report of two commissions that investigated the Matabeleland massacres (see Section 1.a.). On November 1, the Minister of State for Information and Publicity called for the resignation of the Supreme Court Chief Justice for issuing too many rulings against the Government.

On November 10, the Supreme Court ruled unanimously that the Government's land resettlement policy violated constitutional rights to property and protection from arbitrary search and entry, and ordered a halt to the occupations (see Section 1.f.). On November 29, the Justice Minister warned the courts not to oppose the Government's land program (see Section 1.f.). On December 21, the Supreme Court ruled that the Government's land acquisition program was unconstitutional, that the Government had persistently violated the rule of law with its land program, and that the political and civil rights of farmers had been routinely denied.

In November war veterans raided the Supreme Court building to protest the Court's rulings against the Government's land resettlement policies. In December war veterans threatened to attack justices in their homes if they did not resign within 2 weeks; no such attacks occurred.

The Government continued routinely to delay payment of court costs or judgments awarded against it. For example, the CIO continued its refusal to pay damages awarded by the High Court to a former opposition party official whom CIO agents had tortured in 1990.

On October 6, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31. The pardon excluded the offenses of murder, robbery, rape, sexual assault, theft, and possession of arms, but did not exclude the charges of common assault and assault with the intent to commit grievous bodily harm. The pardon permitted the immediate release of prisoners convicted of the latter two offenses. The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them. The amnesty was widely criticized by domestic and international human rights groups. Amnesty International expressed concern that it would encourage further violence in the run-up to the presidential elections in 2002.

The Government repeatedly has amended the Constitution in response to judicial rulings protective of human rights. For example, Amendment 11 (1992) changed the Constitution to allow corporal punishment of minors after the Supreme Court ruled that caning of minors constituted cruel and inhuman punishment. Amendment 14 (1996), which denies both men and women the right to confer automatic residency on their foreign spouses, was passed in response to a 1994 Supreme Court ruling declaring that women should have the same rights as men to confer residency and citizenship on their spouses (see Section 2.d.). Amendments to the Constitution are not ratified by the public but are subject only to the ZANU-PF-dominated Parliament's approval.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary interference with these rights; however, the Government restricted these rights in practice. The Government sometimes monitors private correspondence and telephones, particularly international communications. In April Parliament passed the Postal and Telecommunications Bill that permits the Government to monitor and intercept e-mails entering and leaving the country (see Section 2.a.).

On September 14 and September 15, police raided MDC party headquarters, detained MDC officials, and removed documents (see Section 3).

On October 4, police searched the homes of an independent radio station's co-owners and others associated with the station (see Section 2.a.).

In October rising prices of essential commodities, including fuel and food, sparked riots in many of Harare's suburbs. Police conducted house to house searches, beat

residents, severely in some cases, and warned them not to engage in further demonstrations, despite the fact that many of those threatened had not participated in the riots. On October 17, approximately 50 riot police entered the home of opposition M.P. Justin Mutendadzamera, accused him of fanning the riots, and severely beat him and his wife with batons on their buttocks and arms (see Section 1.c.).

About one-half of the country's most productive land is owned and farmed by about 4,000 families belonging to the country's white minority. The need for land reform is accepted almost universally; however, there are problems with implementation of the 1992 Land Acquisition Act (Land Act). Under the Land Act, farmers whose lands have been designated for acquisition and redistribution by the State may appeal only the amount of compensation, not the initial decision to acquire their farms. Shortly after the February referendum that defeated the new constitution that would have permitted land seizures, war veterans, with Government support, began occupying commercial farms, and assaulted and intimidated farm workers and the predominately white farm owners. Approximately 1,600 farms were visited or occupied in the period prior to the June elections, and about 1,000 of those farms remained occupied at year's end.

On April 9, Parliament passed a constitutional amendment permitting the seizure of land without compensation. In May President Mugabe, using extraordinary presidential powers, amended the Land Act to bring it into conformity with this amendment. In early June, the Government marked 841 farms for compulsory acquisition, giving those farm owners 1 month to appeal. After the June elections, the Government began a "fasttrack" resettlement program in an effort to quickly settle the land problem. The Government designated an additional 2,000 farms for seizure. Under the Government's plan, farm owners would be compensated over a 5-year period for improvements made to the land but not for the property itself. Although no farms were seized officially or their owners evicted by the Government, portions of approximately 1,000 commercial farms continued to be occupied by war veterans, ZANU-PF supporters, and other squatters at year's end, many of whom built homes and planted crops on the land they occupied. In November the Supreme Court ruled that the land occupations violated constitutional private property rights and protection from arbitrary search and entry (see Section 1.e.) and issued a consent decree whereby the Government and the CFU agreed that the Government would halt its land resettlement activities and evict squatters from occupied land; however, the Government had not complied with the agreement by year's end (see Section 1.e.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression but allows for legislation to limit this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. Security forces arbitrarily detained journalists, disobeyed court orders to release journalists, and refused to investigate or punish security force members who tortured journalists and opposition members. Journalists practice self-censorship.

The Government restricted freedom of speech, particularly by opposition members and supporters. During the February referendum, eight NCA members, including two prominent MDC members, were arrested for violating sections of the Electoral Act that prohibit campaigning within 100 meters of a polling station. On February 15, a magistrate dismissed the case after the eight NCA members proved they were not within 100 meters of the polling station (see Section 2.b.).

On April 1, police fired tear gas on NCA members during a peace march (see Section 2.b.). In July police officers fired tear gas into the stands during a soccer match after opposition supporters began waving MDC banners and chanting slogans. Thirteen persons were trampled to death in the incident (see Sections 1.a. and 2.b.). On October 8, three MDC M.P.'s were arrested and charged with making inflammatory statements at a political rally (see Sections 1.d. and 2.b.).

Sections 44 and 50 of the LOMA criminalize and allow the Government to suppress the publication of any "subversive" statement or "a false story capable of causing alarm and despondency." An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition antidefamation laws criminalize libel of both public and private persons alike.

Several major daily newspapers and one local-language tabloid belong to the Mass Media Trust (MMT), a holding company heavily influenced by the ruling party. Until April 1999, the Government, through the MMT, controlled the only two daily newspapers at the time, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also neglected events or information that reflected adversely on the Government. The government-controlled

media never criticized President Mugabe. In addition, the Minister of Information and Publicity in the President's Office controls the Zimbabwe Inter-Africa News Agency wire service.

The independent press grew substantially during the year in relation to the MMT-owned press. Independent newspapers that appeared regularly and had more than 3,000 subscribers were relatively few: one daily (The Daily News), three weeklies (The Financial Gazette, the Independent, and The Standard), and three monthlies. In 1998 a new privately owned consortium, Associated Newspapers of Zimbabwe (ANZ), which was 60 percent foreign-owned in 1998 but only 40 percent foreign-owned by the end of 1999, launched five weeklies in 1999 tailored to community-level readership. Three of the ANZ weekly newspapers closed in 1999 due to financial problems arising from limited advertising revenue; two remained open at year's end. In April 1999, the ANZ launched the country's first independent daily newspaper, The Daily News, which has the nation's largest circulation. The circulation of The Daily News grew significantly before the parliamentary elections, and the readership of the government-controlled The Herald fell rapidly. The major independent newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise some self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel laws.

The Government increasingly tolerated private media criticism of official corruption, as a number of widely publicized reports on malfeasance in government parastatals and ministries, notably the National Oil Company of Zimbabwe, appeared in both independent and MMT-owned newspapers. The Government did not prosecute any journalists or newspapers in connection with these reports; in past years, government prosecutions for criminal libel in connection with reporting of government corruption had resulted in the closure of some newspapers. However, in other respects the Government was increasingly intolerant of freedom of the press, including reports perceived to be critical of the military, and reports on the country's involvement in the DRC.

On February 23, authorities arrested the publisher of the independent newspaper, The Standard, and two of its journalists on charges of criminal defamation after The Standard published an article accusing the Government of printing the draft constitution without incorporating all of the public's views before the final adoption. Authorities also arrested a former editor and a reporter in connection with the article from The Standard.

In August Bernard Masara confessed to the editorial staff of The Daily News that he had been hired by the CIO to kill the editor. Masara had not been arrested or charged by year's end.

During the October 16-18 food riots in Harare, security forces reportedly beat seven journalists, when they attempted to enter a restricted area (see Section 1.c.).

In February 1999, in Harare an army sergeant based at Cranborne Barracks reportedly seized and publicly burned 16 copies of The Standard; the sergeant also reportedly threatened to kill the vendor if he continued to sell the newspaper. The lead story in the burned issue concerned the construction of a new mansion for President Mugabe. In late February, a police spokesperson stated that the police would charge the sergeant with malicious injury to property.

In January 1999, military and civilian police detained, tortured, beat, and otherwise abused two journalists from The Standard, Mark Chavunduka and Ray Choto, who reported in a story that 23 army officers were arrested in connection with an planned military coup. On January 19, the Government charged the two journalists under Section 50 of the LOMA with "publishing a false story capable of causing alarm or despondency." The two journalists subsequently filed suit against members of the security forces for damages to compensate them for the torture and illegal detention, and challenged the constitutionality of the LOMA (see Sections 1.c. and 1.d.). In a landmark decision in April, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, the journalists' suit for their mistreatment still was pending at year's end.

Supporters of the ruling party and war veterans harassed, intimidated, and abused journalists considered to be sympathetic to the opposition. On April 6, a Daily News journalist, photographer, and a driver, were detained for 2 hours by ZANU-PF supporters and war veterans on a farm outside Harare. They were threatened with death for allegedly supporting the opposition MDC and supporting white commercial farmers. The youths, armed with iron bars and golf clubs, forced them to remove their shoes, sit on the ground, and chant pro-ZANU-PF slogans, in view of the police. The youths took the journalists' two cameras, national identity cards, and government-issued press cards. On July 22, Chengetai Zvauya, a reporter for The Standard, was detained and assaulted by war veterans at ZANU-PF head-

quarters. The war veterans claimed they attacked Zvauya because the independent press subjects them to unfair coverage.

On April 1, war veterans reportedly singled out journalists for attack during a counter-demonstration against a NCA peace march; at least one journalist was injured (see Section 2.b.).

On April 19, Geoff Nyarota, the editor of The Daily News, received a letter from an unknown organization threatening him if the newspaper did not desist from publishing articles critical of the Government and President Mugabe in particular. On April 22, a bomb exploded in an art gallery directly below the offices of The Daily News. On April 26, an Associated Press photographer was arrested in connection with the bombing. He was released on May 2; no charges were filed against him.

In June war veterans beat and abducted a journalist for The Independent newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

On July 16, war veterans beat Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters; the war veterans detained Zvanya for two hours and then released him.

Books and films are subject to review by the Zimbabwe Board of Censors. During the year, the Board banned at least 10 films.

Radio remained the most important medium of public communication, especially for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Minister of Information and Publicity in the President's Office. There were credible reports that the Minister routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government, including antigovernment demonstrations and the ZCTU. In December 1999, the ZBC, reportedly at the order of the Minister, stopped broadcasting a popular phone-in talk show in which citizens increasingly had voiced criticism of the Government.

On September 22, the Supreme Court declared unconstitutional the Government's broadcasting monopoly. Immediately after the ruling, Information Minister Jonathan Moyo insisted that no private radio stations would be allowed to go on the air until the Government had drafted the necessary regulatory framework governing the entry and participation of private broadcasters in this sector. Despite Moyo's statement, Capital Radio, a private radio station, began broadcasting after the Supreme Court decision. On October 4, police shut down Capital Radio and seized its equipment, despite the issuance of a High Court decision earlier in the day barring the seizure. The police also searched the homes of the station's co-owners and others associated with the company, including an MDC M.P. On October 5, the High Court ordered the return of all equipment and the cancellation of the arrest warrants, and directed the Government to issue a license to Capital Radio within 10 days. The Government returned most of Capital Radio's equipment but did not issue a license to Capital Radio. On October 5, President Mugabe issued by decree temporary commercial broadcasting regulations that give the Minister of Information and Publicity the ultimate power to issue and deny broadcasting licenses. The Government claimed that the new broadcasting regulations rendered the court order non-binding. The Committee to Protect Journalists criticized the Government's action. Capital Radio is drafting an appeal to the Supreme Court that asserts that the temporary regulations are unconstitutional and requests a license in the absence of a fair hearing by the regulatory commission. On October 20, a legal committee of Parliament, in a non-binding resolution, declared the new regulations unconstitutional. By year's end, Capital Radio was awaiting Parliament's final report on the regulations before proceeding with a Supreme Court appeal in which it alleged that the regulations are discriminatory.

The Government appeared effectively to control, although the State no longer owned, all domestic television broadcasting stations. The ZBC, under the supervision of the Minister of Information and Publicity, owns and operates television broadcasting facilities. Following a Supreme Court ruling in September 1999 that the Government's monopoly on telecommunications was unconstitutional because it interfered with the right to freedom of expression, the Government for the first time granted a broadcasting license to private television station, Joy Television (Joy TV). However, President Mugabe's nephew, Leo Mugabe, reportedly has financial ties to Joy TV, and the ZBC reportedly exercises editorial control over Joy TV's programming. Joy TV remained the only privately licensed television station, and it remained restricted to broadcasting on an available channel leased from the ZBC; creation of an independent transmission facility remained restricted under the Broadcasting Act. Joy TV is not permitted to broadcast local news or current affairs pro-

gramming; however, it does broadcast BBC news reports. International television broadcasts were available freely through private cable and satellite firms.

The NCA accused the government-influenced newspaper *The Chronicle* and the ZBC of refusing to publish previously accepted advertising from the NCA about its proposed constitutional process due to government orders to ban the NCA from disseminating its alternative message on the constitutional process. After the NCA took the ZBC to court in February, the judge ordered ZBC to carry the NCA's advertisements; the ZBC responded by carrying the advertisements in late night timeslots that had few listeners.

The Government does not restrict access to the Internet. During the year, there were many privately owned domestic Internet service providers. However, in April Parliament passed legislation that would permit the Government to monitor all international e-mail messages entering and leaving the country. It is unknown to what extent the security services have used this authority to intercept e-mail communication.

The Government restricts academic freedom. The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act restricts the independence of universities, making them subject to government influence, and extending the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controls the UZ and appoints its Chancellor and Vice Chancellors; since 1998 the Ministry also has appointed the Dean of Faculty, previously elected by the faculty, and most members of the University Council, which previously consisted largely of faculty members. The 1998 expansion of the Government's control of the UZ, which was a subject of student protests in 1998, was cited as a subject of concern to the faculty in a parliamentary committee report in June 1999. During the year, a number of students were expelled, and faculty members were forced to take leave without pay for belonging to the MDC.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The Government enforced laws that restrict this right, including the LOMA, and repeatedly used force to break up nonviolent demonstrations by its critics. Permits are not required for meetings; however, the police continued to require that groups obtain permits for marches or demonstrations despite the 1994 Supreme Court ruling that struck down the part of LOMA requiring permits. Most groups that conducted marches did not seek permits because of the Supreme Court ruling.

During the February referendum, eight NCA members, including two prominent MDC members, were arrested for violating sections of the Electoral Act that prohibit campaigning within 100 meters of a polling station. On February 15, a magistrate court dismissed the case, ruling that the NCA members were not within 100 meters of the polling station and that the application of the act to a national referendum violated the constitutional right of free assembly (see Section 2.a.).

On April 1, war veterans and riot police violently disrupted a peace march in central Harare organized by the NCA. The war veterans, in addition to young government supporters marched from ZANU-PF headquarters in a counter-demonstration and attacked the NCA marchers with stones, crowbars, and pickaxe handles, while police fired tear gas into the crowd. The attackers also reportedly chased the marchers into neighboring shops and beat them. At least 12 persons, including one British journalist, were seriously injured. The war veterans reportedly singled out journalists for attack, and a number of innocent bystanders were injured as well. The police ultimately disarmed the war veterans and other attackers, but did not arrest or charge them. Five NCA marchers were arrested for disobeying police orders to disperse. The Minister of Home Affairs blamed the NCA marchers for organizing a demonstration at the same time and place as the war veterans.

On May 7, several thousand MDC supporters attended a rally at Mucheke Stadium in Masvingo, despite threats of violence from ZANU-PF supporters. According to press reports, many persons were turned away by the police, who broke up groups larger than five persons and sealed off all roads leading into Masvingo.

On May 13, a peaceful NCA rally was disrupted by police and approximately 50 war veterans. The war veterans reportedly attacked those attending the rally with clubs, iron bars and stones.

On June 28, MDC members reportedly were beaten by soldiers at a political rally that had been authorized by the police (see Section 1.c.).

In July police fired tear gas into the stands during a soccer match after opposition supporters began chanting slogans and waving banners (see Sections 1.a., 1.c., and 2.a.).

On October 8, three MDC M.P.'s were arrested and charged with making inflammatory statements at a political rally (see Sections 1.d. and 2.a.). On October 9, po-

lice used tear gas and baton sticks to break up a peaceful demonstration of approximately 1,500 MDC supporters in Harare who had gathered outside the magistrate's court to protest the arrest of the three MDC parliamentarians (see Section 1.d.). At least seven demonstrators were injured by the police.

On October 12, riot police broke up a student rally outside the University of Zimbabwe campus where a MDC M.P. was scheduled to speak. Police and security guards reportedly beat many of the students with batons and used tear gas (see Section 1.c.).

Between October 16 and 18, security forces and police beat and used tear gas on demonstrators during food riots (see Section 1.c.).

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups, and the Government generally respected this right in practice. However, ZANU-PF supporters, supplied with government vehicles and money, killed, tortured, beat and abused those perceived to be political opponents (see Sections 1.a. and 1.c.).

The formation of unions and political parties is not restricted.

Organizations generally are free of governmental interference as long as their activities are viewed as nonpolitical. The Supreme Court ruled unconstitutional sections of the 1995 Private Voluntary Organizations (PVO) Act, which had allowed the Government to suspend the executive bodies of organizations (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, a law that reportedly criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions. There is no state religion. The Government generally recognizes all religions.

The Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas.

Witchcraft—widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons—traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. In recent years, interest in healing through traditional religion and through prayer reportedly has increased as HIV/AIDS has infected an estimated one-quarter of the adult population, and affordable science-based medicines effective in treating HIV/AIDS have remained unavailable.

The 1890 Witchcraft Suppression Act (WSA) reportedly criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches; penalties reportedly include imprisonment for as much as 7 years. The law reportedly defines witchcraft as the practice of sorcery, without reference to the consequences intended by the practitioner. Since 1997 the Zimbabwe National African Traditional Healers' Association (ZINATHA) has proposed amendments to the 1890 law that would redefine witchcraft in terms of intent to cause harm including illness, injury, or death; however, such legislation reportedly has been opposed by mainstream Christian churches. The existing WSA also generally was supported by human rights groups; the Act has been used since independence primarily to protect persons, primarily women, who have been accused falsely of causing harm to persons or crops in rural areas where traditional religious practices are strong.

There is some tension between the Government and the indigenous African churches because of the latter's opposition to Western medical practices that result in the reduction of avoidable childhood diseases and deaths in those communities. Some members of the indigenous churches believe in healing through prayer only and refuse to have their children vaccinated. The Ministry of Health has had limited success in vaccinating children in these religious communities against communicable childhood diseases. Human rights activists also have criticized these indigenous churches for their notioning of marriages for underage girls.

President Mugabe has expressed skepticism about the increasing membership in evangelical and indigenous churches and has indicated that he believes they could be subversive.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times restricted these rights in practice.

On April 27, the police invoked the LOMA to set up roadblocks around the country to prevent the busing of political party supporters between districts. Permission was granted to bus supporters only to those rallies at which the leaders of political parties were scheduled to speak. The police commissioner characterized the action as a measure to prevent political violence; however, enforcement was limited to MDC supporters, which effectively limited the opposition's ability to campaign in ZANU-PF strongholds (see Section 3).

On May 7, police sealed off all roads leading into Masvingo, where the MDC was holding a political rally (see Section 2.b.).

In May the Government ordered 26,000 British nationals with dual citizenship to surrender their Zimbabwe passports after President Mugabe declared them "enemies of the state."

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Women and its 1967 Protocol. The Government generally has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government generally provides first asylum; however, according to UNHCR, while 1,460 asylum seekers were granted refugee status in 1999, at least 34 persons were denied first asylum during the year. At year's end, there were reportedly 3,560 refugees from more than 20 countries; the largest groups consisted of 130 Congolese (DRC), 103 Rwandans, 102 Burundians, and 45 Angolans.

There were reports that foreign farm workers were threatened with deportation if they voted against the ZANU-PF party in the June parliamentary elections (see Section 3).

In late May, two Cuban doctors who were working in the country and seeking asylum at two foreign diplomatic missions were arrested and detained at several different prisons, where security personnel tried to force them to sign deportation documents. After several days, they were flown to South Africa accompanied by security personnel who then attempted to return them to Cuba. After hearing the doctors' protestations, the airline pilot refused to board them, and the two were returned to Zimbabwe and detained again. The authorities denied UNHCR representatives access to the doctors for several days, and refused to provide bedding, blankets, adequate food, or proper sanitation to the asylum-seekers. The asylum seekers were released on July 5 to the UNHCR after being held for 6 weeks. There were no other reports that the Government attempted to forcibly return persons to a country where they feared persecution.

Some employers reportedly take advantage of illegal refugees for inexpensive labor (see Section 6.e.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Although citizens have the legal right to change their Government democratically, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU-PF party, which have ruled continuously since independence in 1980.

Parliamentary elections were held in June amid widespread voter intimidation by the Government and ZANU-PF supporters, violence, and reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The newly formed opposition MDC captured 57 out of the 120 popularly elected seats. Thirty additional seats are reserved for presidential and tribal chief appointees, who are ZANU-PF supporters, which gave ZANU-PF a total of 92 seats. In the period before the June parliamentary elections, the Government, backed by security forces, implemented a systematic campaign of intimidation and physical violence against opposition supporters (see Sections 1.a. and 1.c.). In April the Government invoked LOMA to bar the transportation of political supporters across constituencies (see Section 2.d.). Police also used LOMA to restrict public gatherings (see Section 2.b.). In many districts, the campaign backfired, resulting in additional votes for the opposition, but in others, voters stayed away from the polls out of fear of retribution. For example, there were reports that farm workers of non-Zimbabwean heritage were threatened with deportation if they voted against the ruling party (see Section 2.d.). There are institutional problems with the management and supervision of elections, and the overlapping mandates of the Electoral Supervisory Commission, the Ministry of Justice, Legal & Parliamentary Affairs, and the Registrar-General's Office. Although the Ministry of Justice technically administers the Electoral Act, the Registrar General's Office falls under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the Electoral Supervisory Commission lacks the institutional capacity to oversee all of the country's polling

stations. Commissioners also lack authority to order the correction of irregularities. Despite an attempt to computerize the voters' roll, it contains a very large number of redundancies and errors, including misspellings, multiple entries, and names of deceased persons. These irregularities were highlighted during the June parliamentary elections; many votes for the ruling party were recorded as cast by deceased persons. International observers cited the need to establish an independent electoral commission. The Government legalized immense powers in the President through the Electoral Act, which institutionalized gerrymandering and fraudulent voters' rolls. The Government invoked the act shortly before the June elections to redraw constituent boundaries in its favor and raise bureaucratic barriers to voter registration. Although most election observers agreed that the voting process itself generally was peaceful 15 percent of voters were prevented from voting on election day on technical grounds or due to incomplete or inaccurate voters' rolls. Electoral officers did not operate in an open and transparent manner.

In August the Supreme Court nullified on procedural grounds approximately 6,000 absentee ballots sent in by troops stationed in the DRC. The ruling flouted widespread reports that the ballots had been distributed by ZANU-PF to districts in which it faced narrow defeat by MDC candidates.

In April Vice-President Msika announced that civil servants would not be permitted to act as election monitors in the parliamentary elections because they sympathized with the opposition. Civil servants have been the Government's traditional source for domestic election monitors. The MDC accused the Government of replacing the civil servants with its own supporters. International election observers were repeatedly denied accreditation by the Government, and most were not accredited until the last few days before the election due to frequent changes in the accreditation rules by the Government. On June 14, the Electoral Supervisory Commission (ESC) challenged in the High Court sections of the amended Electoral Act that reduces ESC authority to accredit international electoral monitors.

The ruling party's candidates continued to benefit from the ruling party's control of the state-owned firms that dominate the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its monopoly on overt state grants for political campaigns. In 1998 the Supreme Court ruled unconstitutional provisions of the Political Parties Finance Act (PPFA) that allocated state grants among political parties in proportion to the parties' seats already in the Parliament. In response the Government amended the PPFA later in 1998 to allocate campaign grants among parties in proportion to votes received in the last general election, with a minimum requirement of 5 percent. The Government was required to publish the amount of financing the MDC was entitled to receive according to its June election showing by August 24; however, it had not done so by year's end. The Government claimed that the MDC failed to submit its funding request by the deadline in June and that it is not entitled to state funds. In October the High Court ruled that ZANU-PF is not authorized to spend the MDC share until the matter is resolved.

In July the MDC filed a petition with the High Court to challenge the electoral results in 37 parliamentary constituencies, stating that there was sufficient evidence of intimidation, vote-rigging, and other irregularities to warrant the overturning of results in those constituencies. In October the High Court scheduled consideration of the petition for January 2001. On December 8, President Mugabe amended the Electoral Act to prohibit the nullification of the election of any M.P.

On September 14 and September 15, police raided MDC party headquarters, detained some MDC officials (see Section 1.d.), and removed documents. On September 16, the High Court ruled that the search of the offices and seizure of documents was illegal, and the police returned the seized documents. In addition to the raid on MDC headquarters, police frequently harassed individual MDC members after the June elections.

The 16 constitutional amendments since 1980 have increased greatly Mugabe's power relative to the legislature. Originally a prime minister elected by the Parliament, he has become a directly elected president. Constitutional Amendment 9 authorizes the President to declare unilaterally a state of public emergency for a period of up to 14 days. Amendment 10 grants the President sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister. Amendment 10 also allowed the President to appoint 20 of the 150 Members of Parliament (M.P.'s), including 12 nonconstituency M.P.'s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.'s. All 30 of these M.P.'s have been consistently ZANU-PF members.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that subjected the Government to calls for accountability and

transparency. Parliamentary question time is being used to force debate and disclosure. For example, in September, Finance Minister Simba Makoni was forced to disclose during question time that the Government had spent \$200 million (Z\$9 billion) on its deployment of 12,000 troops in the DRC over the past 2 years, which sparked widespread criticism from the opposition and wider debate about the country's involvement in the DRC. In October the MDC brought a motion to Parliament to impeach President Mugabe for violating the Constitution and gross misconduct. In November the Speaker of Parliament appointed a special committee composed of eight ZANU-PF members and four MDC members to consider the charges outlined in the motion; the committee had not held hearings or released its findings by year's end.

Since late 1997, the NCA has advocated the creation of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties. In May 1999, the President established the Constitutional Commission (CC), whose 400 members he appointed, to review the current Constitution and prepare a new draft to be submitted to a national referendum. The NCA was openly critical of the CC, asserting that it was a government-controlled entity whose product would not reflect the will of the populace. On December 11, 1999, the CC released a draft constitution that would maintain a strong presidency. In a nationwide referendum in February voters defeated the new draft constitution.

Women are underrepresented in government and politics. Fifteen of the 150 M.P.'s are female, including the Deputy Speaker of Parliament, 1 minister, and 1 deputy minister; in the previous parliament there were 20 female M.P.'s. Women participate in politics without legal restriction; however, according to local women's groups, husbands—particularly in rural areas—commonly direct their wives to vote for the husband's preferred candidates. In December 1999, the ZANU-PF congress decided that women would be allotted one out of every three party positions. At the ZANU-PF congress in December, 50 new positions reserved for women were added to the party's 180-member Central Committee, which is one of the party's most powerful organs. All major ethnic groups are represented in Parliament and in the Government; however, most members of the Government and the Parliament, as well as most ZANU-PF officials, are affiliated with the Shona ethnic group, which makes up a majority of the population (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the Government permits local civic and human rights groups to operate, it monitors their activities closely. National groups that promote human rights include the Amani Trust, the Catholic Commission for Justice and Peace (CCJP), the Legal Resources Foundation, Zimbabwe Lawyers for Human Rights, the Bulawayo Legal Projects Centre (BLPC), the NCA, the Southern African Foundation of the Disabled, the Child and the Law Project, the Musasa Project, the Zimbabwe Women Lawyers Association, the Association of Zimbabwe Journalists, the Women's Action Group, Women and Law in Southern Africa, Women in Law and Development in Africa, Zimbabwe Women's Resource Centre and Network, Women and AIDS Support Network, and the Human Rights Research and Documentation Trust of Southern Africa.

These NGO's worked on human rights and democracy issues including lobbying for revision of the Public Order and Security Bill, increasing poor women's access to the courts, raising awareness of the abuse of children, eliminating irregularities in voter rolls, preserving the independence of the judiciary, and eliminating torture, arbitrary detention and restrictions on freedom of the press and assembly. The Foundation for Democracy in Zimbabwe (FODEZI) was established in July 1997 as a watchdog organization to support independent candidates. The Zimbabwe Human Rights NGO Forum was formed in 1998 to help provide legal and psycho-social assistance to the victims of the food riots in January 1998. It has taken the lead in coordinating reports on human rights violations and abuses in the period prior to and following the June elections.

During the year, tensions increased between the Government and civil society. In various public statements throughout the year, the Government accused NGO's of launching opposition political activity and threatened to clamp down on NGO's which do not comply with the PVO Act.

In a case brought by a women's NGO, the Supreme Court ruled unconstitutional those sections of the 1995 Private Voluntary Organizations (PVO) Act, which had empowered the Minister of Social Welfare, Labor, and Public Service to suspend the executive body or "any member of the executive committee of an organization and to appoint persons to manage the affairs of the organization for a specified time." Prior to the Supreme Court's ruling, several new NGO's set up their organizations

as “associations” connected with established NGO’s so that their executive bodies would not be subject to government interference.

Amnesty International, Transparency International, and the International Committee of the Red Cross operate in the country. The Government generally does not discourage representatives of international human rights groups from visiting the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that “every person in Zimbabwe” is entitled to fundamental rights whatever his race, tribe, place of origin, political opinions, color, creed, or sex; however, domestic violence and discrimination against women, abuse of children, and discrimination against the disabled remained problems. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government attempted to exacerbate resentment of the economically prominent white minority.

Women.—Domestic violence against women, especially wife beating, is common and crosses all racial and economic lines. It extends throughout the country and at times results in death. According to Women in Law and Development in Africa (WILDAF), domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The Musasa Project, a women’s rights organization, established the country’s first shelter for victims of domestic violence in Harare in 1997; it can accommodate up to 20 women at a time. The Musasa Project provided services to an estimated 3,147 clients at its Harare office in 1999, 61 percent of whom were female victims of domestic violence; 40 percent of those who were assisted were minors, victims of rape or incest. The Musasa Project reports that 54 percent of the women counseled for domestic violence have sexually transmitted diseases, including many with HIV/AIDS.

There continued to be reports of rape, incest, and sexual abuse of women. Although the Harare press reported a slight decrease in the number of reported rape cases during the year, the Musasa Project believes that the actual number increased because of an increase in the number of divorced women and women escaping spousal abuse. At least eight cases of politically-motivated rape were reported in the pre-election period; human rights groups estimate that the actual number of politically-motivated rape may be closer to 800, including incidents of gang rapes of young girls and elderly women and rapes of female farm workers and health care workers (see Section 1.c.). Women face many obstacles in filing reports of rape. Many police stations are not prepared to handle properly the investigation of such cases. In addition, women are reluctant to file reports because of the social stigma of rape. Women’s groups believe the actual number of rapes is underreported greatly. When cases go to court, lengthy sentences for rape and wife beating generally are imposed. However, a “binding over” order (an order to appear in court to respond to an accusation of violent behavior) is issued based only on actual physical abuse and not on threats of violence. Courts also do not have the power to oust an abusive spouse from a matrimonial home. Systemic problems and lack of education often mean that police do not respond to women’s reports or requests for assistance. The Ministry of Justice is considering draft legislation that would increase the penalties for sexual abuse, including rape of a spouse.

Since independence the Government has enacted major laws aimed at enhancing women’s rights and countering certain traditional practices that discriminate against women. However, women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevent rural women in particular from combating societal discrimination. Despite legal prohibitions, women still are vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing, and the custom of forcing a widow to marry her late husband’s brother.

The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women’s right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavorable to widows. Women’s groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law in 1998; however, in February the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man’s claim to family inheritance takes precedence over a woman’s, regardless of the woman’s age or seniority in the family. The Court cited Section 23 of the Constitution, which allows discrimination against women

under customary law. Divorce and maintenance laws are favorable to women, but women generally lack awareness of their rights under the law.

Although labor legislation prohibits discrimination in employment on the basis of gender, women are concentrated in the lower echelons of the work force and commonly face sexual harassment in the workplace. Research conducted by the Training and Research Support Centre (a Harare-based NGO) revealed that one in three working women at all levels were subjected to sexual harassment in the workplace, as defined by Zimbabwean legal experts. The 1996-1997 study was based on questionnaires from 528 working women.

In August 1998, the Government denied a petition by women's groups that one-third of land redistributed under the land reform program be distributed to households headed by women, which reportedly make up one-third of all rural households. At a press conference in 1999, Joseph Msika, Vice-President and Minister of State in charge of resettlement, reportedly stated, "I would have my head cut off if I gave women land." Nevertheless, during the September 1999 land conference, women's rights organizations lobbied the Government to recognize women as a special group to be considered in the Government's resettlement program. The Women Land Lobby Group (WLLG) criticized the Government for not taking into consideration the needs of women as an economically disadvantaged group in its "fast-track" resettlement program (see Section 1.f.). The WLLG is lobbying the Ministry of Lands, Agriculture & Rural Resettlement for greater consideration.

Several active women's rights groups, including WILDAF, the Musasa Project, the Zimbabwe Women Lawyers' Association, the Women's Action Group, and the Zimbabwe Women's Resource Center and Network concentrate on improving women's knowledge of their legal rights, increasing their economic power, and combating domestic violence. Groups that focus on the problems of protection of women against domestic violence and sexual transmission of HIV/AIDS included the Women and AIDS Support Network and Musasa Project.

During the July cabinet restructuring, the cabinet level position of Minister of State for Gender Affairs in the Office of the President was eliminated; however, the Government created a new Ministry of Youth Development, Gender and Employment. The Government gives qualified women access to training in the military and national service. Although there have been recent advances for women, they continue to occupy mainly administrative positions.

There were reports that women were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

Children.—The Government continued to demonstrate its strong commitment to children's rights and welfare through a system of primary health care and education overseen by the Ministry of Health and Child Welfare. The Children's Protection and Adoption Act, the Guardianship of Minors Act, and the Deceased Person's Maintenance Act protect the legal rights of minor children; however, the Government has not enforced these acts. While there is no compulsory education, the country has made considerable progress in providing education for children, and overall primary school attendance has increased by more than 4,000 percent since independence. About 93 percent of children reached grade 5. However, with the reintroduction of school fees in urban schools and rural secondary schools, enrollment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. The 1998 U.N. Development Program's Human Development Report noted that in most regions of the country, fewer girls than boys attend secondary schools. If a family is unable to pay tuition costs, it is most often female children who leave school. The literacy rate for women and girls over the age of 15 is estimated to be 80 percent while the male rate is about 90 percent. However, budget cuts and the lack of adequate attention to HIV/AIDS prevention are eroding the Government's capacity to address children's needs in these areas. International experts estimated that HIV/AIDS infects one-fourth of the adult population and killed more than 150,000 persons during 1999; it is estimated that the number of deaths during the year was equal to or higher than in 1999. Deaths from HIV/AIDS created hundreds of thousands of orphans. There were an estimated 150,000 orphans in 1995, 900,000 in 1999, and 1 million during the year. This rapidly growing problem is expected to put a tremendous strain on both formal and traditional social systems. At the household level, there is an increased burden on the extended family, which has traditional responsibility for caring for orphans. Many grandparents are left to care for the young, and in some cases children or adolescents are heading families. Many orphans are sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the governments are saddled with increasing demands for community orphan projects, orphanages, health care, and school fees.

The number of street children, with the related problems of theft, street violence, drug use, and violent death, also is increasing. There were an estimated 12,000 homeless street children in the country in 1999, many of them the children of former Mozambican refugees or AIDS orphans. The number of incidents of child abuse, including incest (long a taboo), infanticide, child abandonment, and rape is increasing. It is not known whether the statistics reflect the fact that more cases are occurring or only that more are being reported. There are reports of child labor, including reports of an increased number of girls engaged in prostitution (see Section 6.d.). The Ministry of Justice's Vulnerable Witnesses Committee established victim-friendly courts (VFC) in 1997 to improve the judicial system's handling of child victims of rape and sexual abuse. According to the Musasa Project, 39 percent of the 3,000 persons whom it assisted at its Harare office in 1998 were victims of child abuse. There was a large volume of rape cases in the Harare VFC, which led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.

In August it was reported that war veterans abducted and sexually abused 10 schoolchildren. The case reportedly was under investigation, although there was no further information available at year's end (see Section 1.c.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, rarely is performed in the country. However, according to press reports, the initiation rites practiced by the small Remba ethnic group in Midlands Province include infibulation, the most extreme form of FGM.

The traditional practice of offering a young girl as compensatory payment in inter-family disputes continued during the year.

Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children.

There were continuing reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions. Body parts from children reportedly were considered the most efficacious for some such purposes.

There were reports that children were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

People with Disabilities.—President Mugabe appointed a disability activist to Parliament in 1995 to represent the needs of the disabled. The Disabled Persons Act of 1992 specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services and is viewed by advocates of the disabled as model legislation. However, in practice, the lack of resources for training and education severely hampers the ability of disabled persons to compete for scarce jobs. The act stipulates that government buildings should be accessible to disabled persons; however, implementation of this policy has been slow. A local NGO was working on auditing the act and implementing the law during the year. NGO's were lobbying to include albinos in the definition of "disabled" under the act. Disabled persons face particularly harsh customary discrimination. According to traditional belief, persons with disabilities are considered bewitched, and reports of disabled children being hidden when visitors arrive are common.

Religious Minorities.—There are generally amicable relations among the various religious communities. The Muslim, Jewish, Hindu, and Buddhist religious communities are relatively small and generally not in competition with Christian denominations for converts. Catholic Church officials say they welcome interfaith dialog with Muslims but believe some of the evangelical churches are hostile to Islam.

There are at least four umbrella religious organizations primarily focused on interdenominational dialog among Christians, and some intrareligious activities. However, Muslims are not represented in any of these organizations, and there is no vehicle for formal Christian-Muslim dialog. Muslims have complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

During the February constitutional referendum, more than 150 priests and ministers under the Evangelical Fellowship of Zimbabwe (EFZ) lobbied for Christianity to be enshrined in the new constitution as the country's sole national religion. That position was rejected, primarily because its opponents argued that Christianity had brought about colonization in Africa.

There were reports of growing tensions between mainline Christian churches and practitioners of traditional indigenous religions. Leaders of the Christian churches reportedly opposed the repeal or modification of the Witchcraft Suppression Act

sought by practitioners of traditional indigenous religions (see Section 2.c.). Several leaders of Christian churches reportedly denounced a perceived increase in "satanism" in the country; acts of satanism allegedly included drinking human blood and eating human flesh.

There were continuing reports of ritual murders associated with traditional religious practices, although the Government actively enforces the law against all kinds of murder including ritual murders. Gordon Chavanduka, chairman of ZINATHA, the national association of traditional healers, reportedly stated that black-market demand for human body parts used in making potions has increased greatly in recent years. Some observers suggested that this development may be associated with the spread of HIV/AIDS in the country, and the lack of affordable science-based medicines for treating infected persons (see Section 2.c.). Unlike in the previous year, there were no reports that persons killed children for body parts for healing rituals associated with traditional religions. In July 1999, Faber Chidarikire, a ZANU-PF official and mayor of the northern town of Chinhoyi, was charged with murdering a 13-year-old girl in 1987, but he was released on bail after intervention by the Attorney General; there were reports that Chidarikire cut off the girl's ear and excised her genitals. In 1995 an examination of a severed head found in Chidarikire's car in 1994 indicated that it had been severed with a blade, not in a car accident as Chidarikire had maintained.

National/Racial/Ethnic Minorities.—According to Government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 15 percent, whites less than 1 percent, and other ethnic groups 2 percent. There have been tensions both between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

During the 1960's and 1970's, elements of the white minority rebelled against British rule and established and maintained a racially discriminatory apartheid regime, which was dismantled in 1980 only after armed insurgencies by the armed wings of ZANU and the Zimbabwe African People's Union (ZAPU), and economic sanctions by the international community. The white community remains economically privileged; despite government efforts at land reform, white farmers continued to own one-half of the country's most productive land and most of its major businesses at year's end (see Section 1.f.).

Government services are provided on a nondiscriminatory basis. The Government has sought to expand and improve the previously "whites only" infrastructure in urban areas to provide health and social services to all citizens, and all schools and churches are integrated legally. However, social interaction between Africans and whites remained uncommon. Racial tensions have subsided since independence and remain low despite the Government's ongoing attempts to blame whites for the country's economic problems. On many occasions, especially during the campaign to amend the draft constitution, President Mugabe, members of his Government, and the state-controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries, and has criticized other governments for trying to interfere with the "continuing liberation struggle." During the year, the Government embarked on a far-reaching "fast-track" resettlement program whereby privately-owned farms, which are mostly white-owned, were designated for seizure with no clear means for providing compensation. Government supporters and war veterans assaulted commercial farmers in their homes and on their property (see Sections 1.a. and 1.c.). In a nationally televised address before the June election, Mugabe called white farmers "enemies of the state." On October 15, Matabeleland North Governor Obert Mpofu accused whites of using black citizens in an attempt to remove Mugabe's Government and warned of violence if whites continued to frustrate the "fast-track" resettlement effort (see Section 1.f.). On October 25, President Mugabe threatened to revoke his Government's policy of reconciliation with whites that was adopted in 1980 after the MDC tabled a motion in Parliament to impeach him. The President threatened to arrest white M.P.'s David Coltart and Michael Auret for drafting the impeachment motion.

During the 1980's the Shona-dominated Government suppressed a brief Ndebele insurgency with a 5-year pacification campaign that killed an estimated 10,000-20,000 Ndebele civilians in Matabeleland, the region in which the Ndebele are concentrated. Although relations between the Shona and the Ndebele subsequently have improved, the disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government's unequal distribution of national resources and the Government's failure to compensate victims of the 1980's Matabeleland killings.

Section 6. Worker Rights

a. The Right of Association.—The 1985 Labor Relations Act (LRA) provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, set programs and policies that reflect the political and economic interests of labor, and form or join unions without prior authorization. The LRA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government can deregister individual unions, the High Court has ruled that the LRA does not give the Minister the power to suspend or deregister the national umbrella labor confederation, the Zimbabwe Congress of Trade Unions (ZCTU). The Parliament did not consider the Labor Relations Amendment Bill (LRAB) again during the year.

Approximately 25 percent of the formal sector work force (approximately 400,000 workers) belongs to the 31 unions that form the ZCTU. ZCTU officers are elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU postponed its next congress until February 2001. While the Government encouraged the ZCTU's formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controls the ZCTU; most of the leadership of the opposition MDC party came from the ZCTU. The Government and the ZCTU often have clashed sharply on economic policy, particularly the Economic Structural Adjustment Program that was implemented in 1990. The Government usually has not consulted either the ZCTU or employers before implementing policy decisions that affect the workplace. This lack of consultation has often resulted in reactions that disrupted labor relations, thereby promoting uncertainty and some strikes.

The 1992 Labor Relations Amendment Act (LRAA) specifies that workers may establish independent worker committees, which exist side by side with unions in each plant. Worker committees also must be registered with the MPSLSW, which is free to refuse registration. ZCTU officials believe that the formation of worker committees was an attempt to dilute union authority, because the worker committees are comprised of union and nonunion workers. However, the ineffectiveness of worker committees demonstrated the need for the experienced worker representation of the established trade unions.

It is virtually impossible to conduct legal collective job action. There is no right to strike in the Constitution. The 1985 LRA, the 1992 LRAA, and the LRAB 2000 do not include mention of this issue. "Essential" employees are prohibited by law from striking, and the Government defines all public sector workers as "essential." Managers also are prohibited from striking, and in various industries, the Government defines most employees as managers; the Government also considers some private sector workers, such as those in the health sector, as essential workers. For the remaining nonessential employees legally to conduct a strike, over 50 percent of the company's employees must vote in favor of the action. Many employees are afraid to do so, for fear of management reprisals. However, if a majority vote is obtained, the dispute is referred to the concerned government agency for resolution. Only if the government-appointed arbitrator determines that a resolution is not possible is the right to strike granted. These government-imposed delays prevent most employees and their unions from ever declaring legal strikes. However, illegal strikes or work stoppages have occurred within individual companies, and occasionally, in entire industries.

There were minimal labor actions, such as strikes and stayaways, during the year. With the volatile political environment and the economic crisis, labor and management united in calls to address fundamental economic and political governance issues. In a nationwide stay-away on August 2, in which 80 percent of workers reportedly participated, the ZCTU instructed workers not to report to their jobs to protest the political violence and farm invasions that occurred before the parliamentary elections (see Sections 1.f. and 3).

There were efforts to organize nationwide strikes by security guard service employees and mining sector employees; however, they failed because of disagreements between workers and unions, and workers returned to work without reaching new labor agreements in either sector. On August 14, after a breakdown in contract negotiations, the Associated Mineworkers of Zimbabwe went on strike, closing almost half of the 40 mines in the country for 2 weeks until the union ended the strike and reentered negotiations.

During the year, workers from individual companies seeking pay increases called spot strikes because of the decrease in the value of their salaries due to inflation and currency devaluation; however, these strikes were sporadic and not formally sanctioned by either individual unions or the ZCTU.

The International Confederation of Free Trade Unions (ICFTU) has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise

or industry constitutes an essential service, and then impose a ban (on strikes) on it." The authority to reclassify a previously nonessential service as essential was not used during the year. In previous years, President Mugabe has issued blanket bans on strikes in the country in both the public and private sectors, and he issued a 6-month ban on all collective job actions from November 1998 to May 1999; the ban expired in May 1999. The President did not issue any blanket bans on strikes during the year, but government officials stressed that the Government reserves the right to reimpose the ban at its discretion.

The ZCTU was critical of violence during the year directed at agricultural workers who live and work on commercial farms, many of whom are members of the General Agricultural and Plantation Workers Union of Zimbabwe (GAPWUZ), which is affiliated with the ZCTU. On May 8, a group of 20 armed ZANU-PF supporters beat workers at a workers compound and forced them to attend a political rally (see Section 1.c.). There were reports of violence and isolated incidents of war veterans threatening workers for alleged MDC support.

There are several pending ILO cases that allege violent police intervention against union demonstrators and inadequate investigation of assaults and arson against trade unionists.

The LRA allows for the formation of multiple national federations. A second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), was launched in October 1996 with the stated purpose of providing an alternative to the ZCTU, and states that its goal is to work in collaboration with the Government, and it is openly critical of the ZCTU. The ZFTU's leadership and membership remained unclear, with key personnel changing regularly. Most observers believe that the ZFTU has close ties with the ZANU-PF ruling party. The ZFTU largely was inactive, except for occasional public statements criticizing ZCTU activities, and generally was not considered a viable labor organization.

Public servants and their associations, the Public Service Association (PSA), the Zimbabwe Teachers Association (ZIMTA), and the Zimbabwe Nurses Association (ZINA) are not covered by the provisions of the LRA. Instead, their conditions of employment are provided for under the Constitution. Although civil servants constitutionally are barred from forming unions, in 1995 the ZIMTA stated its intention to affiliate with the ZCTU and the PSA. In 1998 the PSA affiliated itself with the ZCTU. During the year, a new organization, the Civil Service Employees Association, was formed as an umbrella organization for civil service employees, and requested affiliation with the ZCTU at year's end. This request remained pending with the ZCTU leadership at year's end. All public servants are deemed essential and are prohibited from striking.

The ZCTU and its officials are free to associate with international labor organizations and do so actively. The ZCTU is affiliated with the ICFTU and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The LRA provides workers with the right to organize. As originally written, this act was silent on the right to bargain collectively. However, the 1992 LRAA permits unions to bargain collectively over wages. Worker committees, which by law are not organizationally part of the unions or the ZCTU, are empowered to negotiate with the management of a particular plant on the conditions of labor and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers have the right to take their grievances to the Government's Labor Relations Tribunal (LRT) for final adjudication. The LRT maintained a huge backlog of cases again during the year, with 3,383 cases pending by year's end, some of which have been awaiting a hearing for years. The backlog is attributed to staffing shortages; only one out of six LRT judgeships were filled by year's end.

Collective bargaining wage negotiations take place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements apply to all workers in an industry, not just union members. Over 80 percent of all industries are unionized. From April to July each year workers and employees negotiate salary increases and other benefits in their respective National Employment Councils (NECs). These bodies submit their agreements to the Registrar in the MPSLSW for approval. The Government retains the power to veto agreements that it believes would harm the economy. However, it does not involve itself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represents a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSLSW. Although companies offered wage increases that did not keep up with inflation during the year, workers and unions accepted the increases offered because of the economic crisis.

Public sector wages are determined by the Salary Service Department of the MPSLSW, subject to the approval of an independent Public Service Commission (PSC). Each year PSC officials meet with PSA representatives to review wages and benefits. These reviews result in a recommendation that is forwarded to the MPSLSW. The Minister is not required by law to accept the recommendation and usually proposes a wages and benefits package that is less than the recommendation, resulting in yearly industrial protest actions by civil servants.

Employees in positions designated as managerial are excluded from union membership and thus from the collective bargaining process. The ZCTU stated that the definition of manager in the 1992 LRAA was overly broad and criticized the Government and private sector for using it to exclude managers from the collective bargaining process.

The LRA prohibits antiunion discrimination by employers against union members. Complaints of such discrimination are referred to labor relations officers and may subsequently be adjudicated by the LRT. Such complaints are handled under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination should be reinstated, although this has yet to be utilized in practice.

The LRAA streamlined the procedure for adjudicating disputes by strengthening the LRT. Labor relations officers hear a dispute; their decision may be appealed to regional labor relations officers, after which the LRT may hear the case. Ultimately, it may be appealed to the Supreme Court. However, with only one of six LRT judgeships appointed by year's end, cases from as early as 1993 remained pending with the LRT at year's end.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZ's). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remain low.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including by children; however, the law is not enforced in practice. The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5), and there were reports that persons, particularly women and children, were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law bans the employment of children under the age of 15 and restricts employment of those between the ages of 12 and 17 to light work during school holidays for periods not exceeding 6 hours per day. Light work is defined as work not likely to prejudice a child's education, health, safety, rest, or social, physical, or mental development. All hazardous employment, overtime, and night shift work is banned for those under the age of 18. However, there is little to no enforcement of these laws. Although schooling is not compulsory, over 90 percent of children attend school through grade 5 (see Section 5).

Child labor is common. Children work in the agricultural sector, and there were reports that children worked as domestics and as car-watchers on the streets. Child labor in the formal agricultural sector, such as on tea and coffee plantations, reportedly involves children working in the fields after school during the planting and harvesting seasons and full-time during school holidays. Long hours are common. Children often work alongside their parents, and their working conditions approximate those of adults. While some form of child labor on large commercial farms is widespread, agricultural organizations maintain that the labor performed is not exploitative, involuntary, contrary to law, or outside of cultural norms that allow children to engage in field work with their families. On some farms where children attend boarding schools, school schedules and calendars are tailored to allow children to work in the fields during busy farming periods. These children work in "earn and learn" schools, where a percentage of their wages are applied to their school fees and books. Economic hardship makes this arrangement a necessity for children from very poor families.

The rate of HIV/AIDS infection in the country has reached about 25 percent among the adult population, and the rate of infection appeared to be accelerating. As a result, more children worked in the informal sector to fill the income gap left by ill or deceased relatives. The number of children in adoptive homes or living on the streets increased rapidly.

The unemployment rate continues to grow, decreasing the number of children employed in the formal sector. The incidence of children working in the informal sector has increased, however, as families, often headed by children need a source of income. Many children sell simple wares on the streets. In addition, police have reported an increasing number of girls under 17 engaged in prostitution. The deterior-

rating economy also is forcing more children to work. Although child labor in the agricultural, domestic, and informal sectors increasingly is discussed, the Government and NGO's have been unable to gather concrete data on the number of cases.

In November 1999, Parliament ratified ILO Convention 182 on the worst forms of child labor, and during the year, it was incorporated into the Child Adoption and Protection Bill, which had not been implemented by year's end. In September, the Government released the results of an ILO-funded study on child labor in the country. The worst forms of child labor, such as child sweatshops and child prostitution, are not widely practiced in the country. The police frequently enforce laws against child prostitution.

The law prohibits forced and bonded labor by children; however, the traditional practice of offering a young girl as compensatory payment in interfamily disputes continued (see Sections 5 and 6.c.), and there were reports that children were trafficked from the country to South Africa for forced prostitution and forced labor (see Section 6.f.).

e. Acceptable Conditions of Work.—The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. Working conditions are regulated by the Government on an industry-specific basis. The Constitution empowers the PSC to set conditions of employment in the public sector. The Government eliminated a national minimum wage as part of the Economic Structural Adjustment Program of 1990, with the exception of agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continue to specify minimum wages, hours, holidays, and required safety measures. In recent years, in an effort to opt out of the wage bargaining system, the Government mandated wage parameters for industries. Due to an ineffective monitoring system, many agricultural and domestic workers are remunerated below the minimum wage. The minimum wage for agricultural workers is \$24 (Zim \$1650) per month, and for domestic workers is \$41 (Zim \$2900).

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the inflation rate. In almost all cases, however, wage increases did not keep pace with inflation, devaluations, and the increases in the prices of petroleum products and basic food staples. A major goal of the ZCTU during the year was to encourage Government to again establish a national minimum wage but it did not reach an agreement with the Government by year's end. The minimum wage does not provide a decent standard of living for a worker and his family, and at least 70 percent of the population reportedly lives below the poverty line.

In April civil servants were granted 60 to 90 percent pay raises, with the lowest paid positions receiving the largest percentage raises. While broadly viewed as an effort by the Government to buy the votes of the civil servants in the elections, these raises were also viewed as necessary by the ZCTU because of the traditionally low level of civil servant salaries. In October the Ministry of Public Service, Labor, and Social Welfare (MPSLSW) announced a new regulation prohibiting civil servants from engaging in any for-profit enterprises. The Government alleged that many workers were operating their own for-profit enterprises instead of attending to official duties during the workday as the reason for the regulation; however, many civil servants contested that they needed to do so to earn a livable wage.

According to the ZCTU, some employers take advantage of illegal refugees for inexpensive labor. Because the job market is worse in neighboring countries such as Malawi and Mozambique, the refugees are willing to risk arrest and work for wages below the legal minimums (see Section 2.d.).

Many of the basic legal protections do not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards are determined only on an industry-specific basis. Despite the lack of general standards, the National Social Security Authority's (NSSA) statistics from 1999 show a decrease in the number of occupational injuries and deaths. There were 139 fatal job accidents reported during 1999, a decrease from 1998, and 12,000 occupational injuries were reported in 1999. In theory, labor relations officers from the MPSLSW are assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations are observed. In practice these offices are understaffed, cannot afford to inspect routinely workplaces, and must rely on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC is a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC is responsible for enforcing worker safety regulations. The director reports weekly to the MPSLSW on actions taken. Budgetary restraints and staffing shortages, as well as its status as an advisory

council, have made the council ineffective. The NSSA continues to experience difficulty monitoring the thousands of work sites across the country; however, it has begun to enforce safety standards more vigorously, by closing down shops and factories in non-compliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risk the loss of their livelihood if they do so, and this situation worsened during the year.

f. Trafficking in Persons.—Although there are no laws that specifically address trafficking in persons, common law prohibits abduction and forced labor; however, there were reports that persons were trafficked from the country to South Africa for forced prostitution and forced labor. The Government has taken no actions to address the problem of trafficking in persons.